

HISTORIC CONSERVATION BOARD AGENDA

Monday, January 24, 2022, at 3:00 pm

Due to the ongoing COVID-19 pandemic, there have been important changes to hearing procedures and rules for participation. To comply with social distancing, this hearing will be conducted through a virtual/remote platform. Please visit www.cincinnati-oh.gov/boards to learn more about attendance and participation in virtual hearings.

CALL TO ORDER

DISCUSSION ITEMS

Item 1.	1812 KEYS CRSC	The applicant requests a Certificate of Appropriateness to rehabilitate an existing residential structure, including new driveway, terrace and detached garage located in the East Walnut Hills Historic District. Additionally, the applicant requests zoning relief related to the location and size of the detached garage.
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Applicant: CHRIS KEPES

Owner: WILHELMY MARTIN

Staff Report: BETH JOHNSON

Item 2.	2000 DUNLAP ST	The applicant requests zoning relief related to density and rear setbacks for a proposed 4-story structure with a total of 44 housing units in the in the Over-the-Rhine Historic District.
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Applicant: NEW REPUBLIC ARCHITECTURE

Owner: OVER THE RHINE COMMUNITY HOUSING

Staff Report: BETH JOHNSON

OTHER BUSINESS

ADJOURN

APPLICATION FOR ZONING RELIEF AND CERTIFICATE OF APPROPRIATENESS HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

APPLICATION #: COA2021036/ ZH20210117
APPLICANT: Chris Kepes- Kepes Architecture
OWNER: Martin Wilhelmy
ADDRESS: **1812 Keys Crescent Ln.**
PARCELS: 056-0002-0009
ZONING: Single Family SF-20
OVERLAYS: East Walnut Hills Historic District
COMMUNITY: East Walnut Hills
REPORT DATE: December 30, 2021

Nature of Request:

The applicant is requesting a Certificate of Appropriateness for the construction of a new 3 car garage and carport and associated zoning relief.

An application for a garage at the north-east portion of the lot was approved with a condition to setback the garage 10 feet from the side property line rather than 3 feet. This location was not desired by the applicants as it caused issues with setbacks of the garage from the house as well as view issues out of the house. After consultation with staff and their neighbors, the applicants have decided to move forward with a different proposal.

Details of Zoning Relief Required:

1. 1421-01 (a): Accessory Residential Structure, Location- Accessory Structures are not permitted in front or side yard. **A Locational Variance is required for location in the front (zoning) yard.**
2. 1421-01 (c): Accessory Residential Structure, Maximum Size. 800 square feet is the maximum size. **A dimensional variance of 75 ft is required.**

Existing Conditions:

1812 Keys Crescent Lane is a single-family Georgian Revival brick residential building built circa 1905. The house is an example of the turn of the century estate homes that reflect the development of East Walnut Hills. It is a contributing structure to the East Walnut Hills Historic District. The original carriage house/auto garage for the property was to the southeast of the property and has been converted into a single family house at 1828 Keys Crescent.



Figure 1: Google Street View of the north portion of the property at 1812 Keys Crescent. Provided by Google Street views.



Figure 2: Google Street View of 1812 Keys Crescent, the south portion of the property. Provided by Google Street views.



Figure 3: Google Street View of Madison Road looking west with 1812 Keys Crescent on the right. Provided by Google Street views.



Figure 4: Google Street View of Madison Road looking east with 1812 Keys Crescent on the left. Provided by Google Street views.

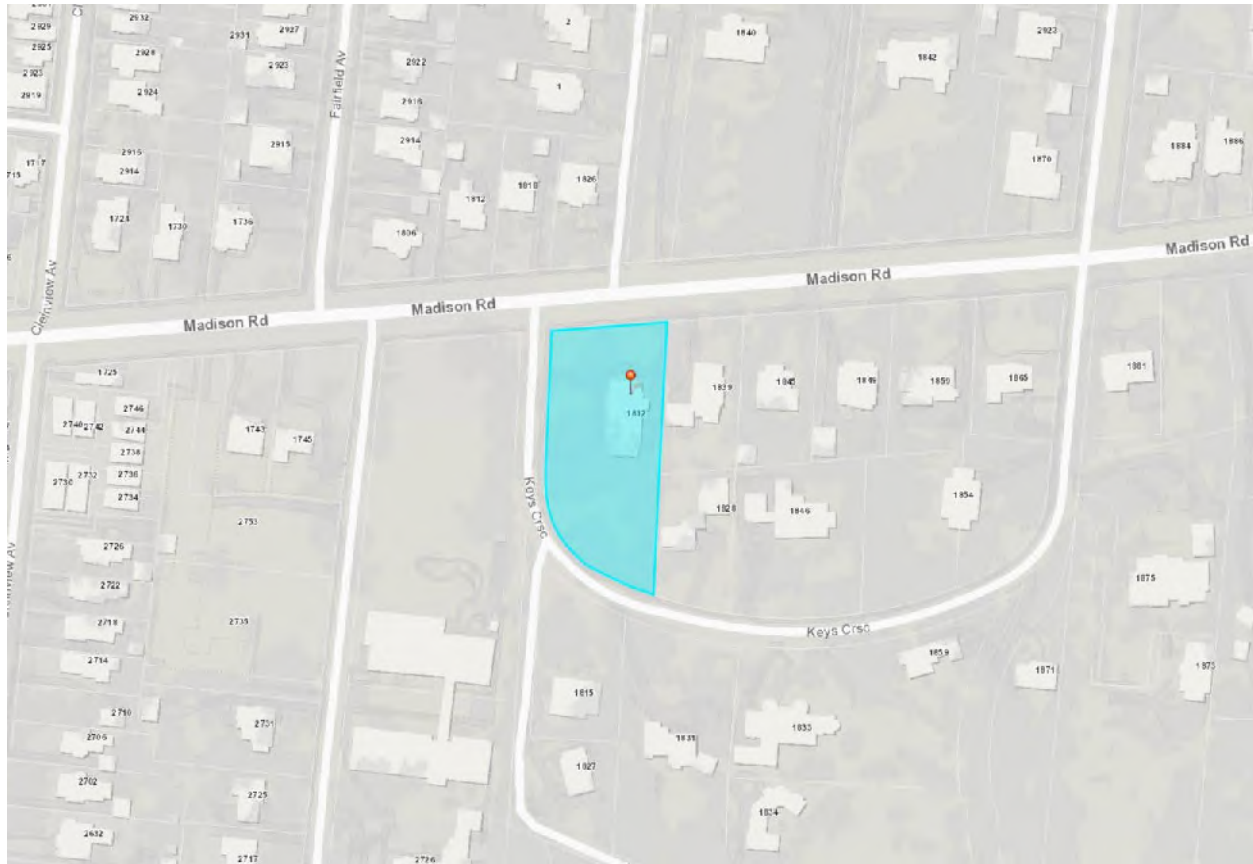


Figure 5: Map of 1812 Keys Crescent. Map provided by Cagis Maps

Proposed Conditions:

The proposal is to build a 3 car garage with an extra carport in the north-west portion of the property, which is the zoning front yard.

The new construction will feature the following:

1. One story garage (13'6 inches) with brick veneer and stone and brick belt courses and a flat/ very low pitch hip roof.
2. The garage will have 3 carriage house style doors.
3. Classical details to match the house will be included.

Applicable Zoning Code Sections:

Zoning District:	Section 1403	Residential
Variance Requests:	Section 1421	Accessory Structures
Variance Authority:	Section 1445-07	
HCB authority:	Section 1435-05-4	
Variance Standard:	Section 1445-13	General Standards: Public Interest
	Section 1445-15	Standards for Variances
HCB authority:	Section 1435-05-4	
Overlays:	Section 1435	Historic Preservation
Historic District/Reg:	East Walnut Hills	Historic District
COA Standard:	Section 1435-09-2	COA; Standard of Review

Zoning Analysis:

The applicant is requesting to build an accessory structure/garage in the front yard. This proposed structure is also taller and larger than allowed per the CZC.

The building has three sides that front onto the street. Per zoning the lot is considered a double frontage lot with the north and south lot lines being the “zoning front” and the west property line being a corner side lot line and the east being a side lot line.

While the architectural front of the building faces Keys Crescent, the zoning front yard is the space between the building line and Madison Rd.



Figure 6: Topographic map of 1812 Keys Crescent. There is an 18 foot difference in elevation on the south end of the property from the building to the southeast corner of the property.

Standards for Variances and Special Exceptions per Section 1435-05-4

- (a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

Proposing a detached accessory structure garage is the best approach as it does not materially affect the historic building on the site and is contextually sensitive to the neighborhood as historic carriage houses were detached from the principal buildings historically.

In regard to siting the building, the placement of the building in the north portion of the property avoids the south portion of the yard where there is an 18 foot grade change from the house to the southernmost portion of the yard, it also helps to maintain the existing tree cover on the yard and avoids removing any mature trees.

The siting in the northwest of the lot, while in the architectural front of the lot, is a compromise to prevent an impact onto the adjacent neighbor. Due to concern with setbacks, topography and impacts to the historic viewshed to the building, the proposed location has the least adverse impact to the house and adjacent neighbor, and viewsheds to the house from within the neighborhood.

- (b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

A denial of the variance would not result in the deprivation of all economically viable use.

Standards for Variances per Section 1445-05-4

- (a) *Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.*

The property is a unique condition as it has 3 street frontages, 2 front yards per zoning and does not have a rear yard. Any placement of the accessory structure would require zoning relief.

The property also has a significant slope on the south part of the property, whereas the north portion of the property is fairly flat requiring less site work to build the garage.

Placing the garage on the north also allows the applicant to be able to create a terrace/patio on the south side, so they can have use of their yard in a more private setting.

- (b) *The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.*

The applicant is seeking a detached garage that is larger than is permitted by the zoning code. This is an allowance that has been permitted for many properties within the neighborhood and even on the street.

- 1831 Keys Crescent- 1568 sf of garage, 16'6" height, and located in the side yard.
- 1828 Keys Crescent- while the garage is considered part of the principle building as it is connected, it is in front of the historic building.
- 1846 Keys Crescent- garage size 946 sf, located in the side yard.
- 1875 Keys Crescent- garage size is 1000sf+, height over 15 ft tall (1.5 ft tall) and located in zoning front yard.
- 1849 Madison Road- garage size over 900+ sf, height over 15 ft tall (2 stories tall).
- 1838 Madison Rd- garage located in front yard of the property.
- 2708 Johnstone Pl- garage located in front yard and is 900+ sf.
- 1829 Keys Crescent Ln- garage is located in the side yard.

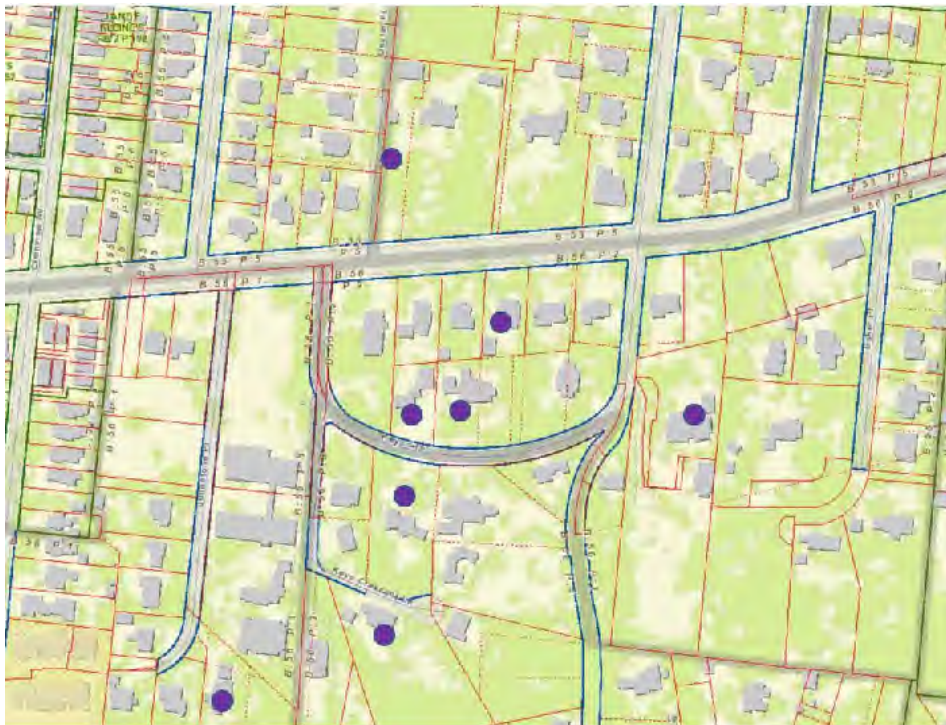


Figure 7: Map showing location of garages/accessory structures that do not meet the zoning code for placement, height, and/or size that all within the vicinity of the subject property.

Standards for Special Exceptions- 1445-19

(a) Compliance With Code and District Purposes. The proposed development will be consistent with the purposes of this Code or the Land Development Code, as applicable, and the district where the use is located.

While the location is the zoning front yard, the building architecturally faces Keys Crescent. The location while in both the front yard per zoning and within the architectural front yard, the placement of the garage to the side does not block the view of the house from Key Crescent.

(b) No Substantial Impairment of Property Value. The proposed development will not substantially diminish or impair the value of property within the neighborhood in which it is located.

There are many properties within the district that have parking courts in the side or front yards of their property.

(c) No Undue Adverse Impact. The proposed development will not have an adverse effect on the character of the area or the public health, safety and general welfare. The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations

The parking is appropriate if the garage is approved, and the proposed garage will buffer any additional parking from the neighbors.

(d) Compliance With Other Standards. The proposed development complies with all other standards imposed on it by this Code or the Land Development Code, as applicable.

As long as the parking area is paved, it will comply with all other standards.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a. **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

The underlying zoning is SF-20. The use of the lot is as a single-family home.

The accessory structure is not in the placement permitted by the CZC as it is in the front yard. Many options were discussed between the applicants and staff to determine the best placement of the accessory structure that would not have a negative impact on the historic structure on the site, would not remove any historic trees, and would also work with the topography and unique constraints due to this site. There was no placement on the site that would not require at a minimum a locational variance as there is no rear yard for this property.

- b. **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

The proposed work does meet the East Walnut Hills Historic Conservation Guidelines. (See below for COA discussion.)

- c. **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

The application conforms to the Preserve our Built Environment section of Plan Cincinnati.

- d. **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.

Traffic will not be impacted as the existing curb cut will be maintained and it will be improved by removing an additional curb cut.

- e. **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.

Not applicable.

- f. **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.

Not applicable.

- g. **Hours of Operation.** Operating hours are compatible with adjacent land uses.

Not applicable.

- h. **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.

Most of the houses along Keys Crescent and this part of East Walnut Hills have either a detached or attached garage. Many of these garages are larger than a normal accessory structure as well. These houses are grand, large houses with a large lot development. Larger accessory structures fit

into the landscaping and parcels without creating an overbuilt environment. The house is 7286 square feet and the size of the garage is less than 12% of the size of the main house.

- i. **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
There are no proposed amendments under consideration that would impact this proposed project.
- j. **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.
There are no adverse effects in relation to access to the property by fire, police and other public services.
- k. **Blight.** The elimination or avoidance of blight.
Not applicable.
- l. **Economic Benefits.** The promotion of the Cincinnati economy.
The proposal will increase the property value of the property and therefore increase the tax base.
- m. **Job Creation.** The creation of jobs both permanently and during construction.
The proposed project will create temporary jobs during construction.
- n. **Tax Valuation.** Any increase in the real property tax duplicate.
Property taxes will increase from the improvements on the lot.
- o. **Private Benefits.** The economic and other private benefits to the owner or applicant.
The owner has an economic benefit to the proposed accessory structure as they will benefit from the additional parking.
- p. **Public Benefits.** The public peace, health, safety or general welfare.
There is no measurable detriment to public peace, health, safety or welfare as a result of this proposed project.

Certificate of Appropriateness Review

ADDITIONS

1) COMPATIBILITY: CONSIDER THE ADDITION AS NEW CONSTRUCTION

In general, additions should follow the guidelines for new construction in terms of materials, form, scale, height, detailing and siting. (See the New Construction section of this booklet for specific guidelines.)

The detached garage follows the guidelines in terms of materials (brick, wood, stone, and shingled roof) and are materials that are also on the main historic building.

The garage is smaller in scale compared to the main building as an accessory structure should be. The siting of the garage is an acceptable placement given the constraints of the property as well as concerns of adjacent neighbors. While staff does not usually support accessory structures anywhere but the rear yard, where they are permitted by zoning and where they will locationally take a back seat to the historic building, staff feels in this specific situation due to the numerous site constraints and with the high quality of design and detail of the garage being sympathetic and complimentary to the historic building, this location is acceptable.

2) DESIGN: RESPOND TO THE ARCHITECTURE OF THE ORIGINAL BUILDING

The design of an addition should respond specifically to the architecture of the original building. While the addition should be sympathetic to and compatible with the existing building, it should not try to duplicate its style or appear to have been built at the same time as the original building, the design should also respond, in a more general way, to adjacent buildings.

The garage is designed with a very low hipped roof that will appear flat in a Colonial/Georgian Revival style to be reflective of the main building. The use of new materials will make it distinguished from the main building while it is designed in a similar architectural vocabulary. The use of fenestration, detail and windows on the sides of the building facing the right of way create a “garden” structure appearance that is appropriate for an estate house.

3) IDENTITY: DO NOT OVERPOWER THE EXISTING BUILDING

If the original building is architecturally or historically significant, the addition should take a respectful “back seat” to it and not overpower the original, an addition may be taller than the original building if site considerations and careful design still allow the older building to remain dominant.

The garage is set to the side of the while in the architectural front of the building (west façade), and is much smaller than the main house. While the garage will be highly visible from Madison Road, the main house will still remain as the prominent feature on the property, especially from Keys Crescent.

4) CONNECTIONS: KEEP THEM SIMPLE

The connection of the addition to the original building should be designed so that it does not detract from either structure, Significant architectural features of the original building should not be destroyed, removed, or obscured by the addition,

The garage is detached and is not connected to the building to not affect any historic materials.

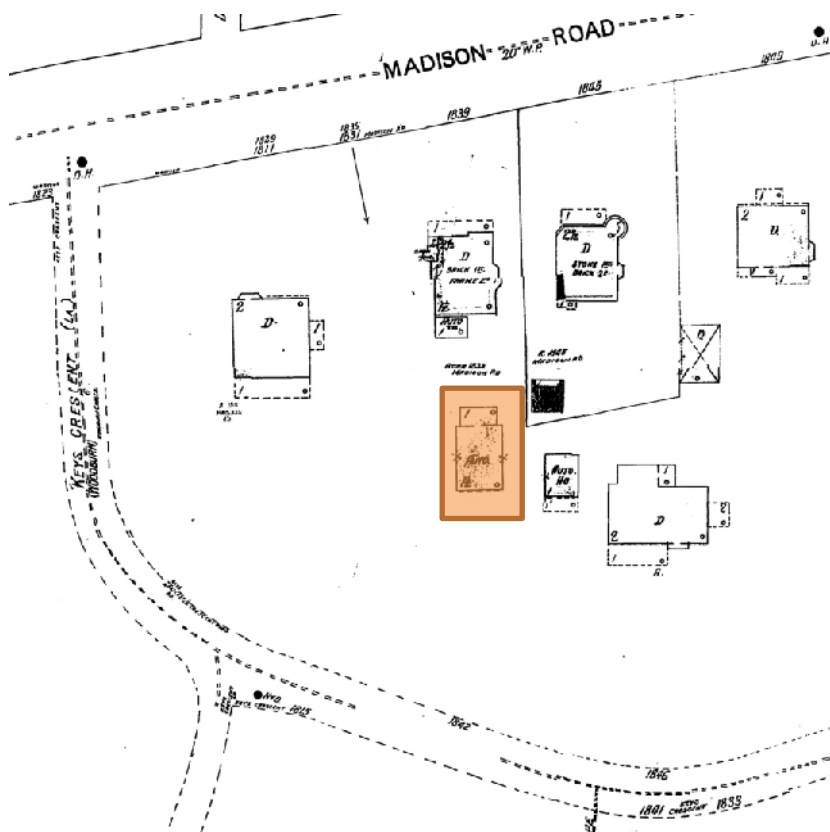
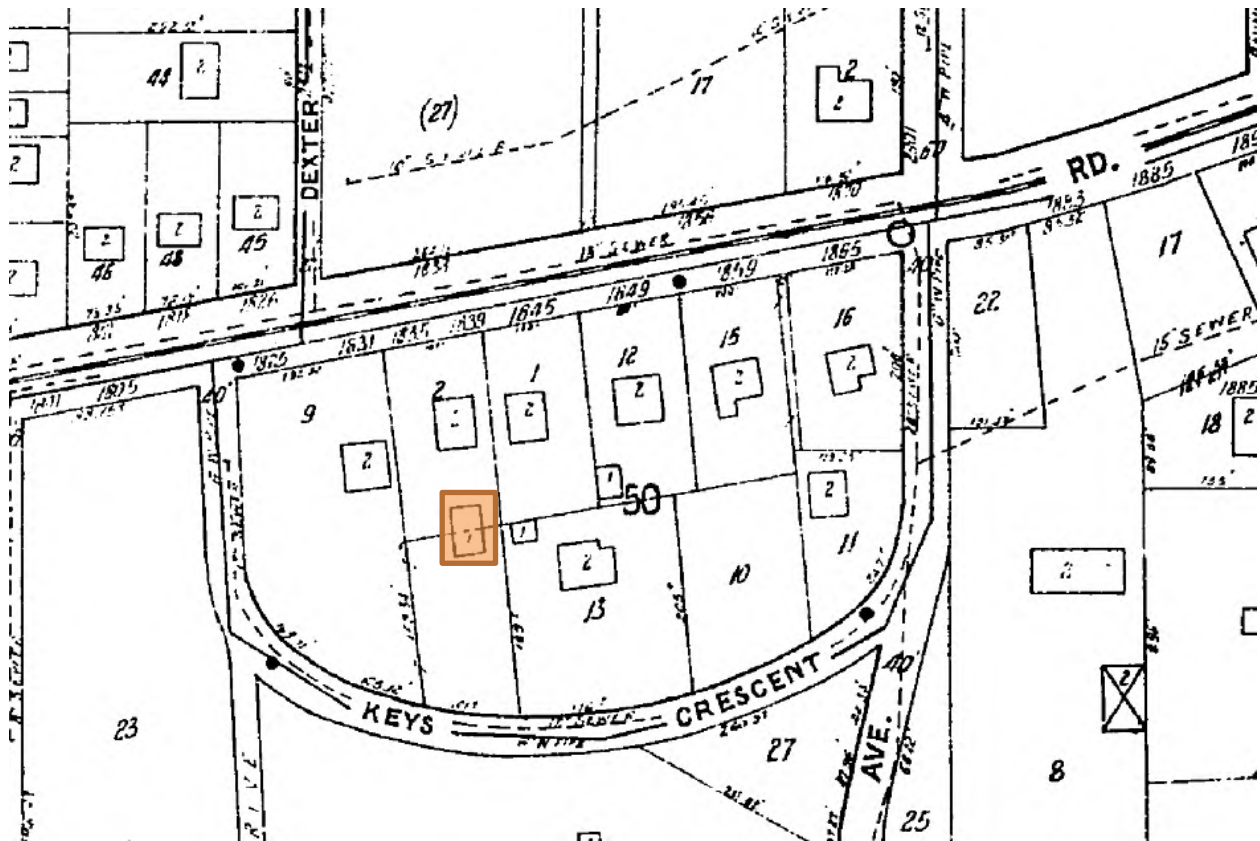
SITE IMPROVEMENTS AND ALTERATIONS

3) PARKING AND PAVING: LIMIT THE COVERAGE As noted above, this district is characterized by open space and landscaping. Reducing green space by adding additional pavement for driveways or parking areas should be limited whenever possible. Parking areas in front yards should be permitted in extreme situations only. New driveways and parking areas should respect existing contours and natural features. Parking lots should be sufficiently screened to minimize the view of parked cars. Screening can incorporate landscaping, decorative fencing and berms and should be of a design compatible with the surrounding buildings and landscape elements. Lots with space for ten or more cars should be planted with shade trees in order to soften the visual impact of the lots on the neighborhood. In these cases, trees should be placed around the perimeter of the lots and in planting islands within the lots.

The proposal does have a simple circular driveway in the west/side yard (which is the architectural front of the building). The proposal includes removing one curb cut and a portion of the circular size and patio pavement at the rear.

The applicant has worked with staff to reduce the coverage of driveway while still providing circulation for delivery trucks. They have increased the landscaping in the roundabout and the overall pavement is about 200 square feet less than what is currently on the lot.

They are also proposing an asphalt and tumbled concrete paver material. The tumbled concrete paver will be in the location of the roundabout in the architectural front of the house. This provides a more sympathetic paving system.



1922 Sanborn Map
above and 1904
updated 1949 Sanborn
Map below showing
location of original
auto/carriage house
which has now been
converted into a Single
Family home.

Other Considerations:

Pre-Hearing Conference was held 1-5-21. The applicants were present.

Comments Provided to Staff: NA

Recommendation:

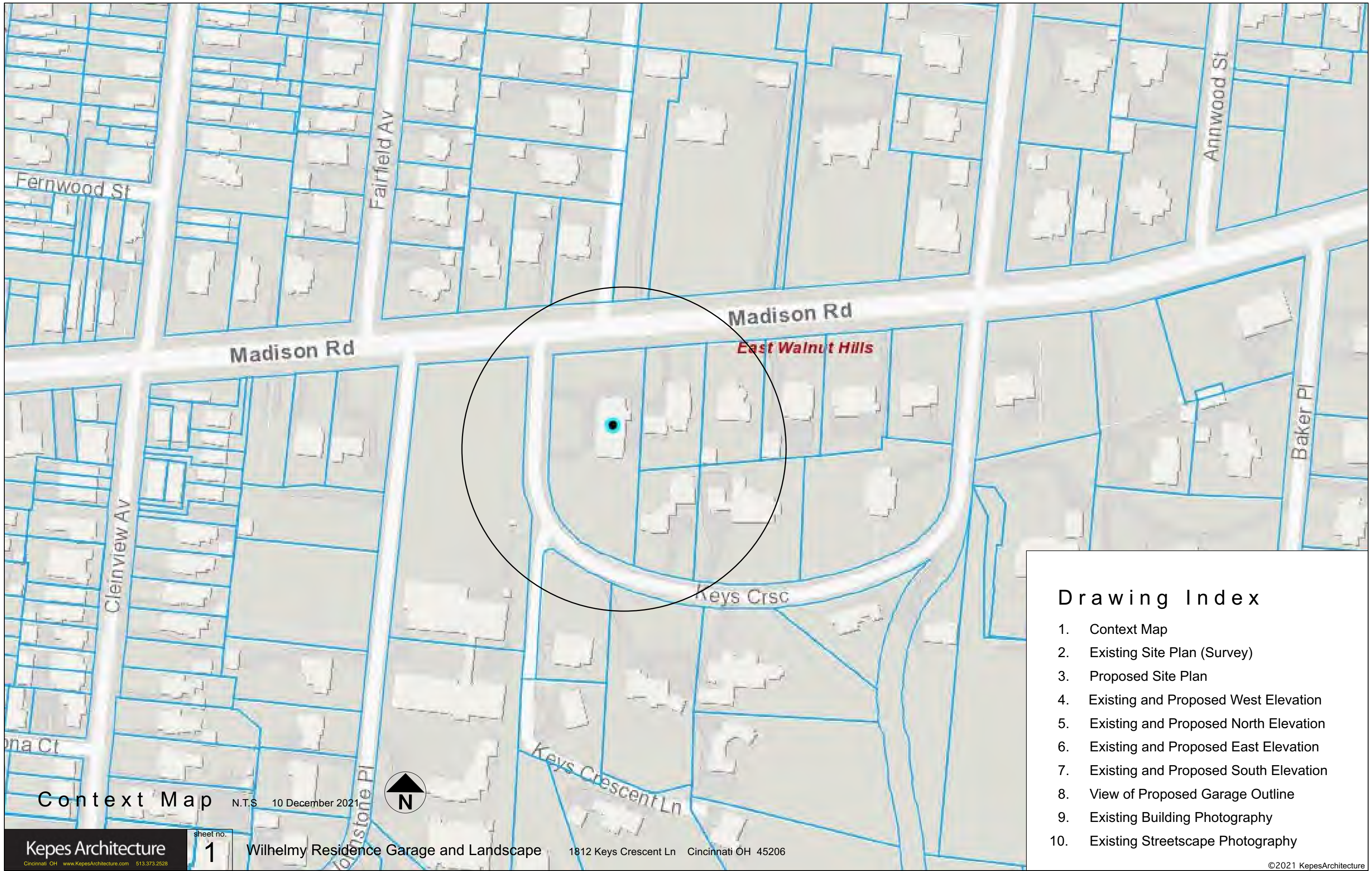
Staff recommends the Historic Conservation Board take the following actions:

I. ZONING RELIEF- VARIANCES

- A. **APPROVE** - §1421-01 (a) – **Locational Variance** - per plans submitted by Kepes Architecture and design dated 12-10-21 to allow the accessory structure to be placed in the front yard.
- B. **APPROVE** - §1421-01 (C) – **Dimensional Variance of 75 sf** - per plans submitted by Kepes Architecture and design dated 12-10-21 to allow the accessory structure to be 875 sf.
- C. **FINDING:** The Board makes this determination that per Section 1435-05-4:
 - 1. Such relief from literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located; and
 - 2. The property is a unique property with 2 front yards, 3 street frontages, and an 18 foot grade change differential.
 - 3. The size of the garage is a similar request to other variances granted within the neighborhood.
 - 4. A previous location was not approved due to impacts on the neighbor.
 - 5. The approval of this location does not set a precedence to allow front yard accessory structures.

II. CERTIFICATE OF APPROPRIATENESS

- 1. **APPROVE** a Certificate of Appropriateness for additions and changes to the property at 1812 Keys Crescent per plans submitted by Kepes dated 12-10-21 with the following condition:
 - a. The building permits must be issued within two years of the decision date or the Certificate of Appropriateness shall expire.
- 2. **FINDING:** The Board makes this determination per Section 1435-09-2:
 - (a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines.
 - (b) The accessory structure does overwhelm the main building in size or placement.



Context Map

N.T.S. 10 December 2021



Kepes Architecture

Cincinnati, OH www.KepesArchitecture.com 513.373.2528

sheet no.

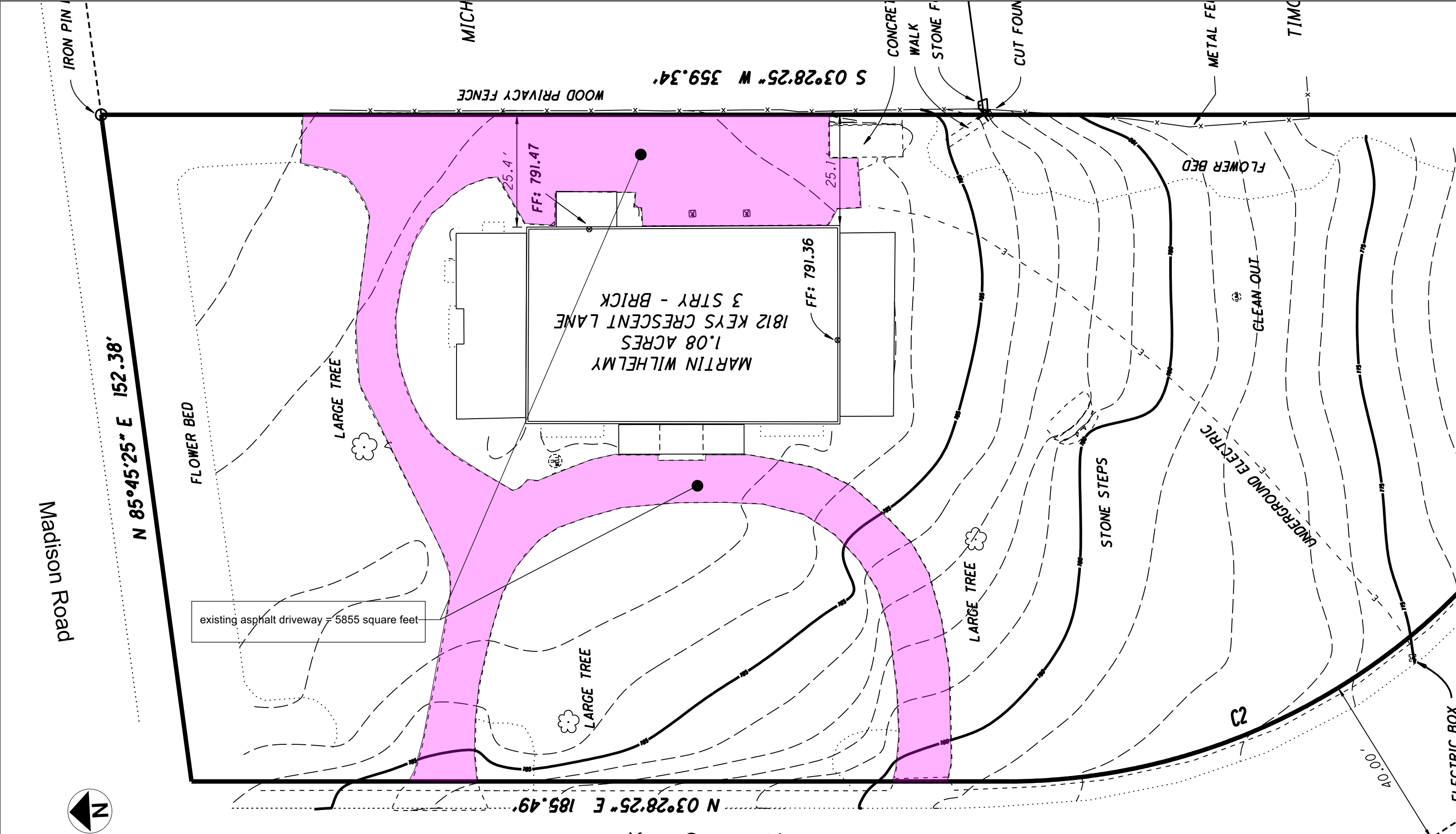
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Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Drawing Index

1. Context Map
2. Existing Site Plan (Survey)
3. Proposed Site Plan
4. Existing and Proposed West Elevation
5. Existing and Proposed North Elevation
6. Existing and Proposed East Elevation
7. Existing and Proposed South Elevation
8. View of Proposed Garage Outline
9. Existing Building Photography
10. Existing Streetscape Photography



Existing Site Plan

(from 3/21/21 survey plat by Brian C. Fick, Professional Land Surveyor) 1" = 20' 31 August 2021

Kepes Architecture

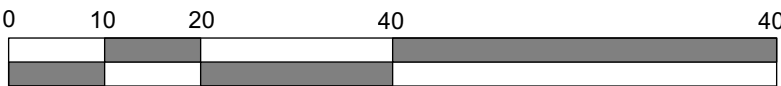
Cincinnati OH www.KepesArchitecture.com 513.373.2528

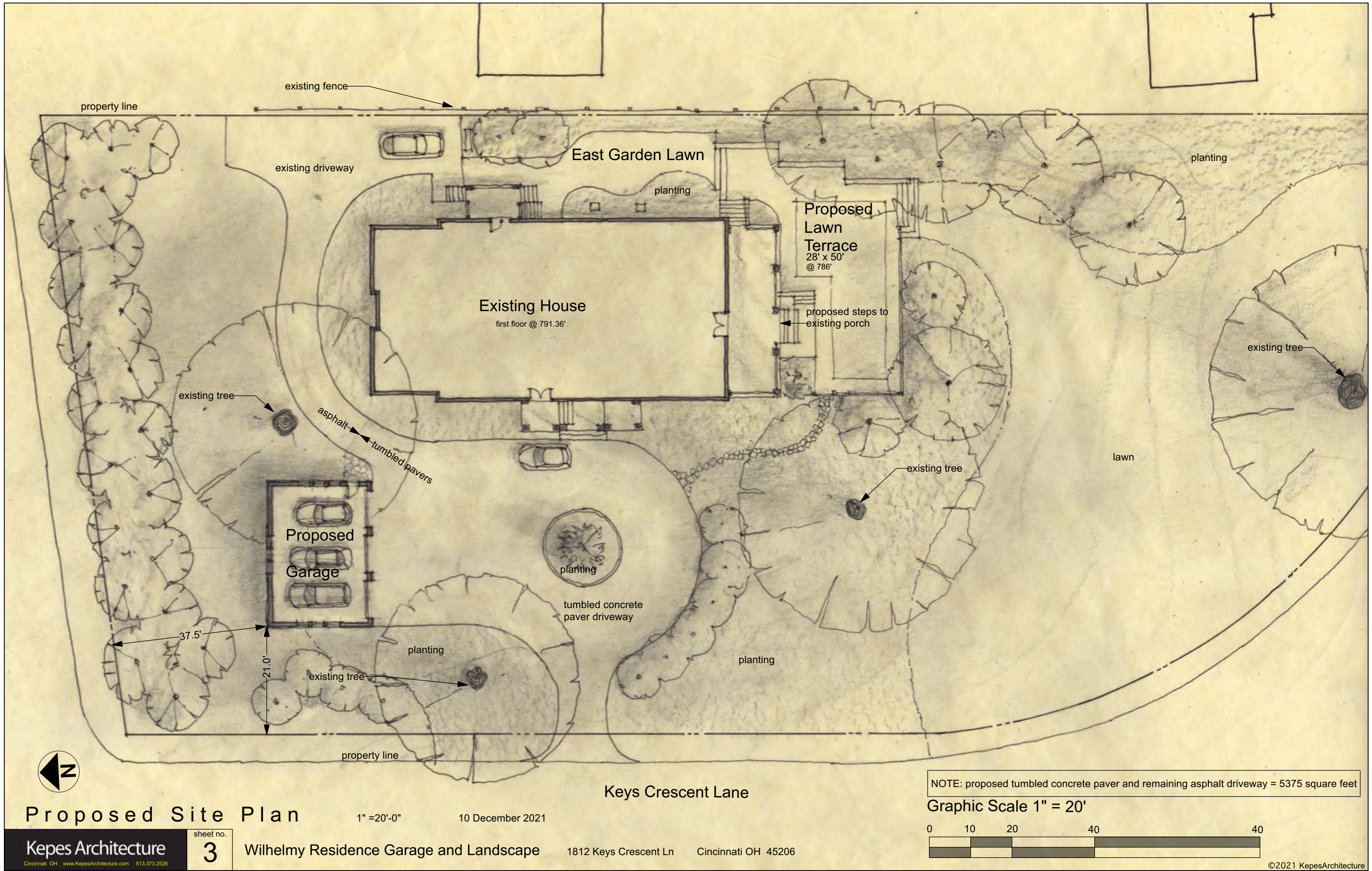
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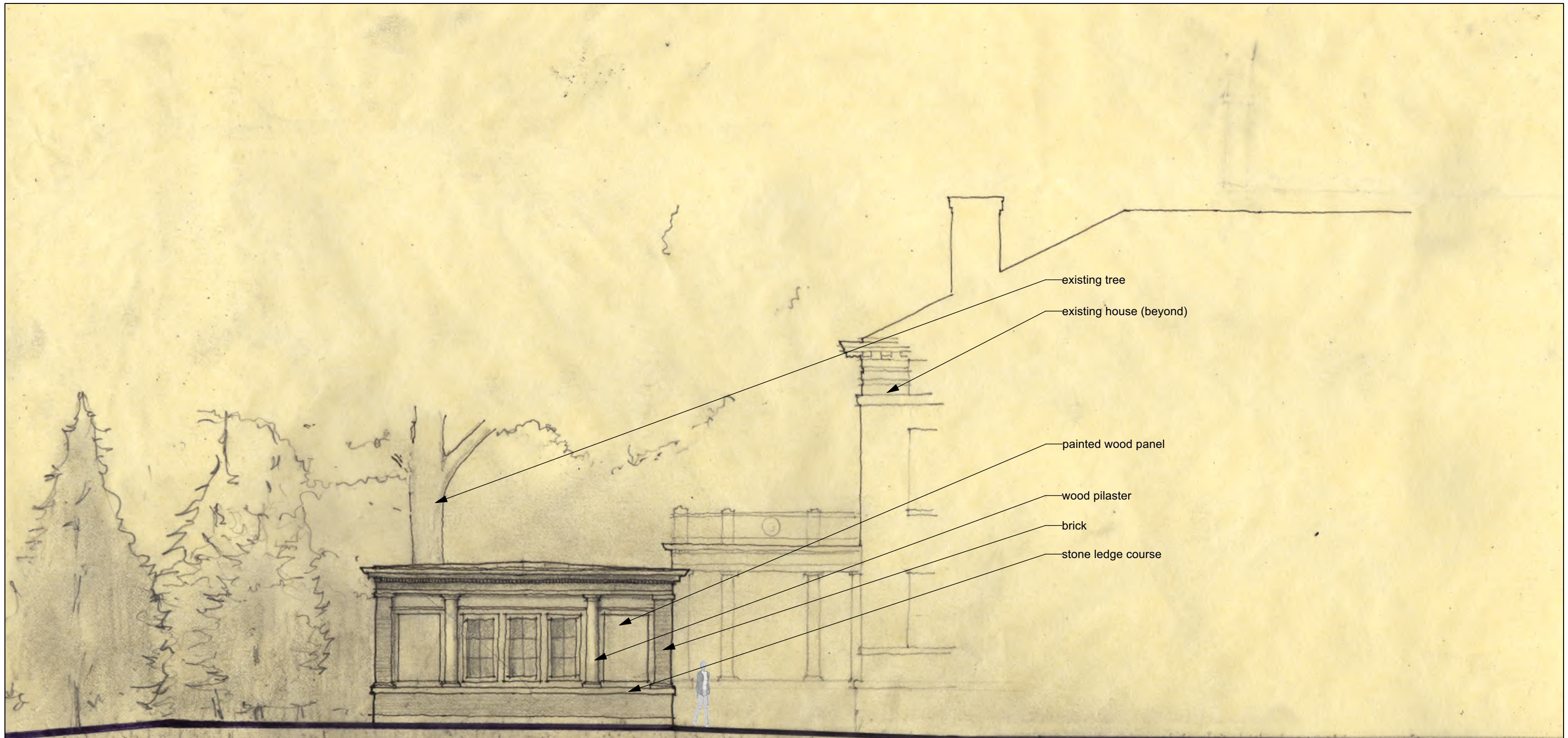
Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Graphic Scale 1" = 20'







West Elevation @ Garage

1/8" = 1'-0"

10 December 2021

Kepes Architecture

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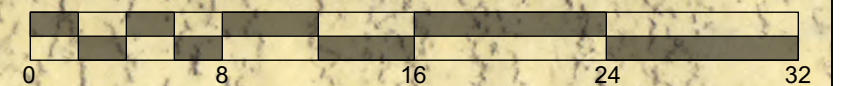
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Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Graphic Scale 1/8" = 1'-0"



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North Elevation @ Garage

1/8" = 1'-0"

10 December 2021

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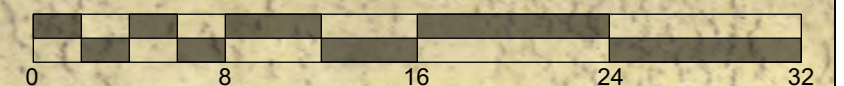
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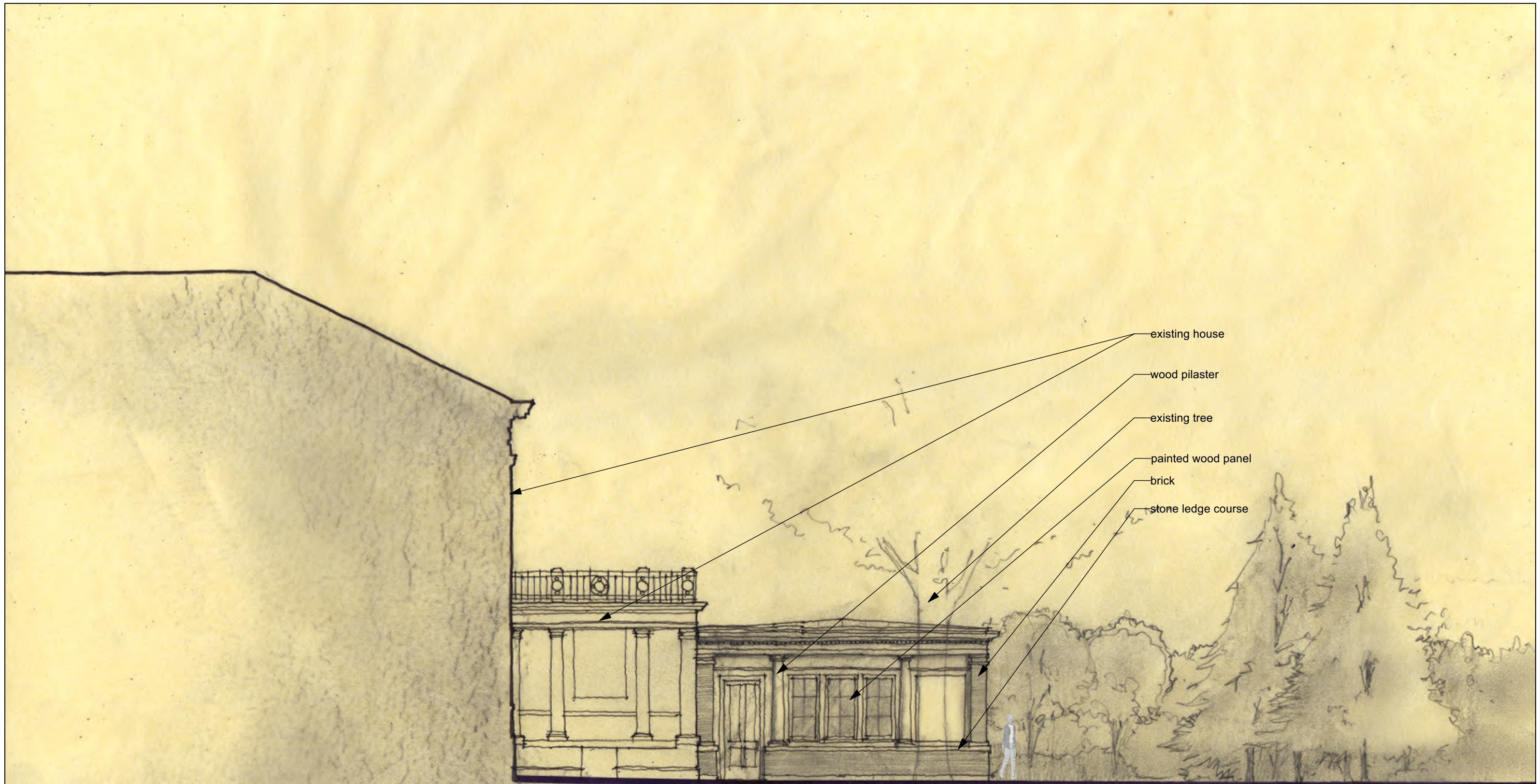
Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Graphic Scale 1/8" = 1'-0"



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East Elevation @ Garage

1/8" = 1'-0"

10 December 2021

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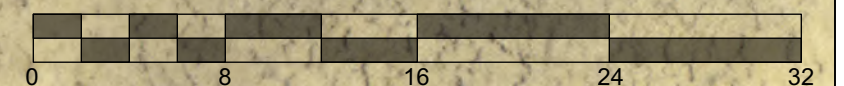
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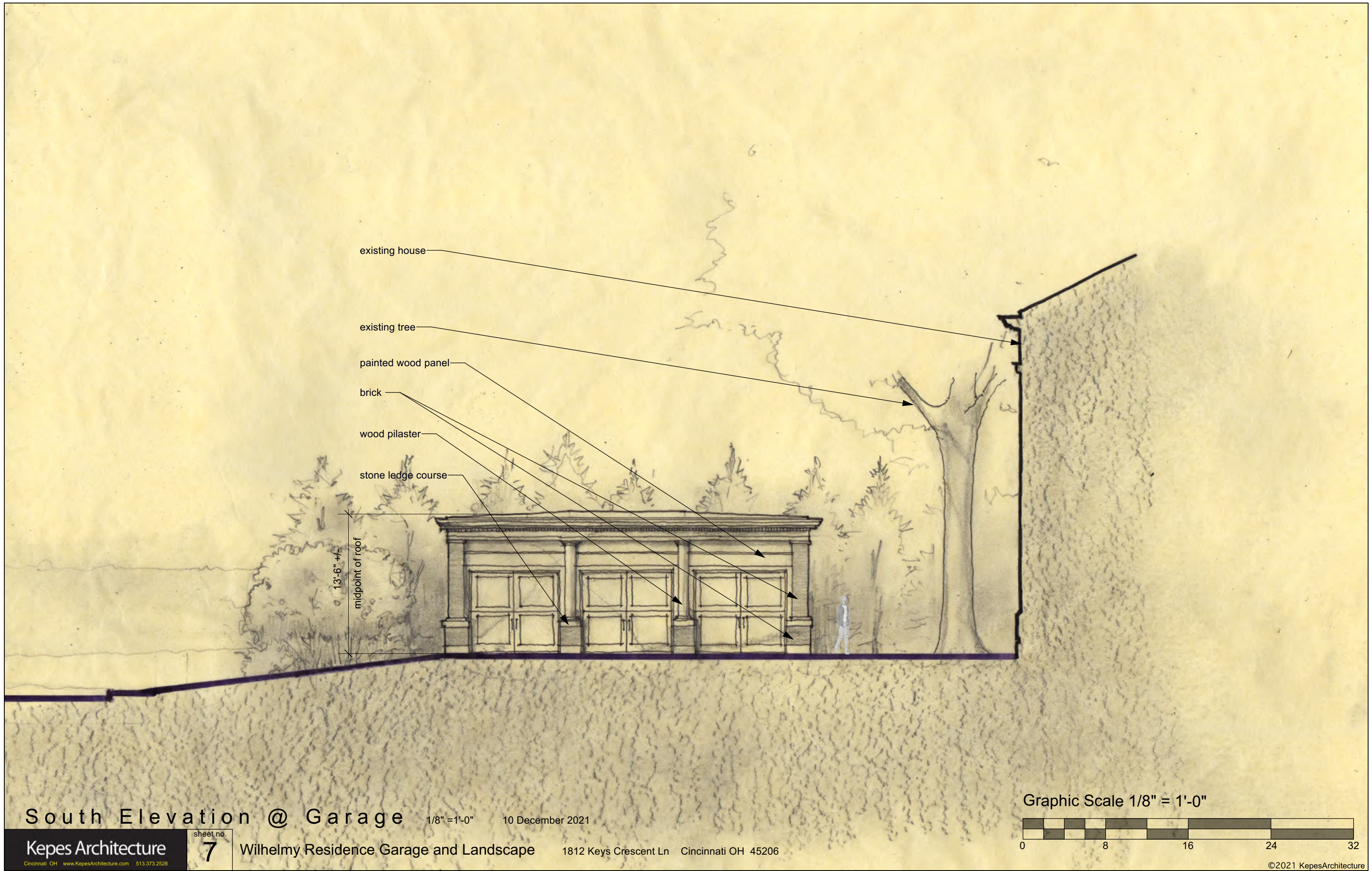
Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Graphic Scale 1/8" = 1'-0"



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South Elevation @ Garage

1/8" = 1'-0"

10 December 2021

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7

Wilhelmy Residence Garage and Landscape

1812 Keys Crescent Ln Cincinnati OH 45206

Graphic Scale 1/8" = 1'-0"





View From Keys Crescent 10 December 2021



West Facade



South Facade



East Facade



North Facade

Existing House Photography 19 July 2021



Madison looking West



Madison looking East



Keys Crescent looking East



Keys Crescent looking West



Keys Crescent looking towards Madison



1831 Keys Crescent

Existing Streetscape

19 July 2021

10 December 2021

Kassandra Maynes
City of Cincinnati
805 Central Avenue, Suite 500
Cincinnati OH 45202

RE: 1812 Keys Crescent Ln COA & Variance Relief

Dear Kassandra,

With the intent of appearing at the January 24, 2022 Historic Board meeting I have enclosed digital files of the following:

COA application Form
Zoning Relief Application
Drawing package including required drawings and photography
Record of ownership
Statement of Intent
Statement of explanation of zoning relief request

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Kepes', with a stylized flourish at the end.

Christopher J. Kepes AIA

cc. Martin Wilhelmy



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am—4 pm
(513) 352-4848
Beth.Johnson@Cincinnati-OH.gov

Office Use Only

Application #: _____
Date Accepted: _____
☐ Staff Review ☐ Board Review
☐ Paid: _____
Date Perfected: _____
Hearing Date: _____

CERTIFICATE OF APPROPRIATENESS APPLICATION

SUBJECT PROPERTY

Site Address: _____
Hamilton Co. Parcel ID No.: _____ Zoning District: _____
Historic District: _____ Overlay District: _____

APPLICANT INFO ☐ PROPERTY OWNER ☐ OTHER _____ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: _____
Contact Person (if legal entity): _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail: _____

PROPERTY OWNER INFO ☐ SAME AS ABOVE

Name: _____
Contact Person (if legal entity): _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail: _____

CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

☐ New Construction ☐ Alteration ☐ Demolition

Provide a very brief summary of the project:

ZONING RELIEF ☐ Yes ☐ No

Provide a very brief summary of the zoning relief requested:

SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

Demolition requests must include all required demolition forms.


All applications that include requests for zoning relief must include a zoning hearing application.

All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Applicant Signature: _____ Date: _____

Parcel ID	Address	Index Order	Tax Year
056-0002-0009-00	1812 KEYS CRESCENT LN	Parcel Number	2020 Payable 2021

Property Information		
Tax District 001 - CINTI CORP-CINTI CSD School District CINCINNATI CSD	Land Use 510 - SINGLE FAMILY DWLG	Images/Sketches 
Appraisal Area 00700 - EAST WALNUT HILLS Sales	Mailing Name and Address CORELOGIC 2500 WESTFIELD DR STE 102 HOFFMAN ESTATES IL 60124 (call 946-4800 if incorrect)	
Owner Name and Address WILHELMY MARTIN 1812 KEYS CRESCENT LN CINCINNATI OH 45208 (call 946-4015 if incorrect)	Assessed Value 130,430	Effective Tax Rate 75.946900
Property Description MADISON RD 152.38 X 359.34 IRR SEC MADISON & KEYS CRESCENT		Total Tax \$8,913.06

Appraisal/Sales Summary	
Year Built	1904
Total Rooms	21
# Bedrooms	6
# Full Bathrooms	5
# Half Bathrooms	1
Last Transfer Date	7/8/2020
Last Sale Amount	\$472,500
Conveyance Number	237925
Deed Type	WD - Warranty Deed (Conv)
Deed Number	
# of Parcels Sold	1
Acreage	1.084

Tax/Credit/Value Summary	
Board of Revision	YES(14)
Rental Registration	No
Homestead	No
Owner Occupancy Credit	Yes
Foreclosure	No
Special Assessments	Yes
Market Land Value	255,320
CAUV Value	0
Market Improvement Value	117,330
Market Total Value	372,650
TIF Value	0
Abated Value	0
Exempt Value	0
Taxes Paid	\$8,913.06
Tax as % of Total Value	2.357%

Notes
1) 3/9/98 BOR #96-12225 DISMISSED 2) 12/28/11 BOR #10-405434 DECREASE TO 880,000 3) 5/1/14 bor #13-701003 decrease to 344,300

10 December 2021

Beth Johnson
Urban Conservator
City of Cincinnati
805 Central Avenue, Suite 500
Cincinnati OH 45202

RE: 1812 Keys Crescent COA
Statement of Intent

Dear Beth,

The intent is to add to this property a detached garage (as well as an outdoor terrace) that does not obstruct views of the main house, is of an appropriate, compatible size and scale in relation to the main house and neighborhood and which adds to the livability of the property in general.

As there is insufficient area or access at the east (rear) yard to place a garage a locational (and size) variance for a detached structure at north yard is requested.

The conditions imposed by the Conservation Board during the September 13 hearing concerning the garage location at northeast corner of house would have placed the garage directly in front of kitchen windows and would have continued to obstruct openness and views from the neighboring property at 1839 Madison Road.

Since the September 13 hearing owners Martin and Dagmar Wilhelmy have been in communication with the Murray family, owners of 1839 Madison Road. They have resolved the problems of the north east garage placement by abandoning that location realizing that it did not serve either party well. Also the Murrys elicited feedback from other neighbors regarding the initial north east placement. In conclusion, the Murrys are voicing strong support for this new proposed garage location.

This proposal which places the pavilion-silhouetted garage to the northwest of the house would allow for the openness along property line shared with 1839 Madison Road. It would also preserve the openness of the south end of the property as it slopes down towards Keys Crescent Lane and is in relative proximity to the kitchen end of the house.

A location of the proposed garage/carport at south yard of house was not considered practical because of the distance from such location to the kitchen at the existing house; the kitchen being located at north (opposite) end of house. The existing kitchen porch is approximately (63) feet from back edge of south porch and over (80) feet from back edge of proposed lawn terrace. Secondly the grade falls continuously to the south of the property.

An earlier design scheme considered a garage/carport location at west side of house directly in front of the existing house kitchen wing. This location was rejected after consultation with you Beth, given that it would have stood in front of and blocked significant views of the house from Madison and Keys Crescent Lane.

This current proposed second north west location which places the face of proposed garage in alignment with north face of kitchen wing, reduces the amount of paved driveway onsite and reduces street curb cuts by (1). The structure is kept low in relation to the main house, i.e. top of gutter of proposed garage would align with bottom of eave assembly at kitchen wing (see west elevation) and does not block significant views of the main house facade. The intent is to borrow the design language of the kitchen wing, i.e. brick base and brick corner pilasters with wood pilasters and painted wood panels. The proposed garage appears now as obviously not original to the house but in sympathetic and respectful relationship to it.

Additionally, materials at garage are to be brick, painted wood with a light colored membrane or metal roofing. Windows are to match the detail of new replacement windows at main house. Driveway is to be tumbled concrete pavers and asphalt. The proposed terrace at south end of house is to be a grass terrace with a paved border.

Area of existing paved asphalt areas is (5855) square feet (see Existing Site Plan at sheet 2). The area of proposed asphalt and tumbled concrete paver driveway is (5375) square feet (see Proposed Site Plan at sheet 3). This represents a reduction of (480) square feet.

The intent is to screen views of the motor court from Keys Crescent Lane with appropriate ornamental plantings. As the motor court is to sit higher in elevation than Keys Crescent Lane the idea is that glimpses of the motor court from Keys Crescent Lane would be limited (except at foot of driveway)

In summation I am requesting for my clients to be able to add a garage structure, a property attribute which all adjacent neighbors possess, in the most accessible, architecturally sympathetic and practical location remaining on their unusual corner lot.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Kepes', with a stylized flourish extending to the right.

Christopher J. Kepes AIA

10 December 2021

RE: 1812 Keys Crescent Ln COA & Variance Relief

Hearing Witness List

Chris Kepes, project architect	ckepes@fuse.net
Dagmar Wilhelmy, owner	dagmar.wilhelmy@gmail.com
Martin Wilhelmy, owner	martin.wilhelmy@gmail.com



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559
Boards@cincinnati-oh.gov

ZONING HEARING EXAMINER

Application for Zoning Relief

Office Use Only

Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HILLSIDE DISTRICT: ☐ Yes ☐ No
BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
HISTORIC DISTRICT: ☐ No ☐ Yes: (name) _____
☐ Non-Residential Project ☐ Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- ☐ Variance ☐ Special Exception ☐ Conditional Use ☐ Use Variance
☐ Expansion or Substitution of Non Conforming Use ☐ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature  Date 12/ 10 /21

Section 8. ADDITIONAL DOCUMENTATION SUBMISSION REQUIREMENTS.

If you fail to complete the application or provide all information requested, your application may be denied.

All application transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together, and one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Zoning Hearing Examiner application.
<input type="checkbox"/>	Denial letter from Zoning Department, or signed letter from a Zoning Plans Examiner.
<input type="checkbox"/>	Written statement required in Section 6 of application.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) showing boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all structures <u>existing and proposed</u> from the nearest property lines. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as photographs, elevations, specifications) fully depicting the exterior appearance of the <u>existing and proposed</u> project, including parking and access, exterior lighting, landscaping, and signs involved in the application.
<input type="checkbox"/>	The Hamilton County Auditor's record showing ownership of the property. If the Hamilton County Auditor's official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner's legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses and expert witnesses who you expect to testify at the hearing on this application.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to "City of Cincinnati." <ul style="list-style-type: none">• \$900.00 for Use Variances• Variances, <i>including Special Exception, Conditional Use, Expansion or Substitution of Non-Conforming Use, Hillside & Urban Design Overlay and DD District</i> are as follows: \$300.00 for Residential Projects (RCO) One -, Two -, and Three- Family Dwelling \$500.00 for Non-residential Projects (Non-RCO)

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors' concerns or objections and can facilitate the approval of your application.

10 December 2021

Beth Johnson
Urban Conservator
City of Cincinnati
805 Central Avenue, Suite 500
Cincinnati OH 45202

RE: 1812 Keys Crescent
Zoning Relief Note

Dear Beth,

Because of the unusual nature of this corner lot there is insufficient area or access to the east (rear) yard to place a garage. Therefore, a locational variance for a detached structure at north yard is requested.

A dimensional variance of (75) square feet is requested. Again, the idea was to propose a new structure with a scale appropriate to the scale of the large existing house, the footprint of which encompasses approximately (4675) square feet including porches.

These variances are “necessary for the preservation and enjoyment of a substantial property right by owners of other properties in the same district or vicinity”. A garage is a common attribute of houses in the neighborhood. There is a detached garage for example in the side yard at 1831 Keys Crescent Lane.

Finally, given that this proposal eliminates (2) curb cut and reduces driveway area on the property by (480) square feet it would be in the public interest to allow for the construction of this garage as it would decrease the possibility of visible automobile parking.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Kepes', with a long horizontal stroke extending to the right.

Christopher J. Kepes AIA

APPLICATION FOR ZONING RELIEF HISTORIC CONSERVATION BOARD PUBLIC HEARING STAFF REPORT

APPLICATION #: ZH20210183
APPLICANT: New Republic Architecture
OWNER: Over-the-Rhine Community Housing
ADDRESS: **2000 Dunlap Street**
PARCELS: 009600050116
ZONING: Urban Mix - UM
OVERLAYS: Over-the-Rhine Historic District
COMMUNITY: Over-the-Rhine Community Council
REPORT DATE: January 6, 2022

Nature of Request:

The Applicant is requesting a density variance to allow 44 units of congregate housing at 227 sf of lot area/unit and a rear yard setback of a zero lot line for a new construction project.

At this time, only zoning relief related to the below 2 items are being request. A Certificate of Appropriateness is not being requested at this time. The City of Cincinnati Law Department has confirmed that a 2-part approval is permitted under the code.

An approval of the density does not require the board to approve a building (size, width, ornamentation, and design etc.) that would be needed to house this density, without the applicants showing credible evidence that the proposed design substantially meets the requirements for approval of a Certificate of Appropriateness under 1435-09-02.

The request for a density and setback variance ahead of the request for a Certificate of Appropriateness is to facilitate an application for Low Income Housing Tax Credits (LIHTC) with an application deadline of February 10, 2022.

Zoning Relief Requested:

1. 1410-07- Development Regulations. Density. 700 sq of lot area/unit is required. The lot is 10,000 sf and 14 units are permitted. 44 are requested. **A variance to allow a density of 227 sf of lot area/unit is required.**
2. 1410-07- Development Regulations. Rear setback. A rear setback of 10 feet is required for residential projects. As a property is a square either street frontage can be considered the front lot line. As both the north and east property lines can be considered rear and both have a zero-lot line, **a 10 ft variance for the rear yard is required.**

Existing Conditions:

The project location is a parking lot at the corner of Dunlap Street and Henry Street.

Proposed Conditions:

1. Build a new 44-unit congregate housing with a partial zero lot line at the north, and zero lot line at the east, south and west.

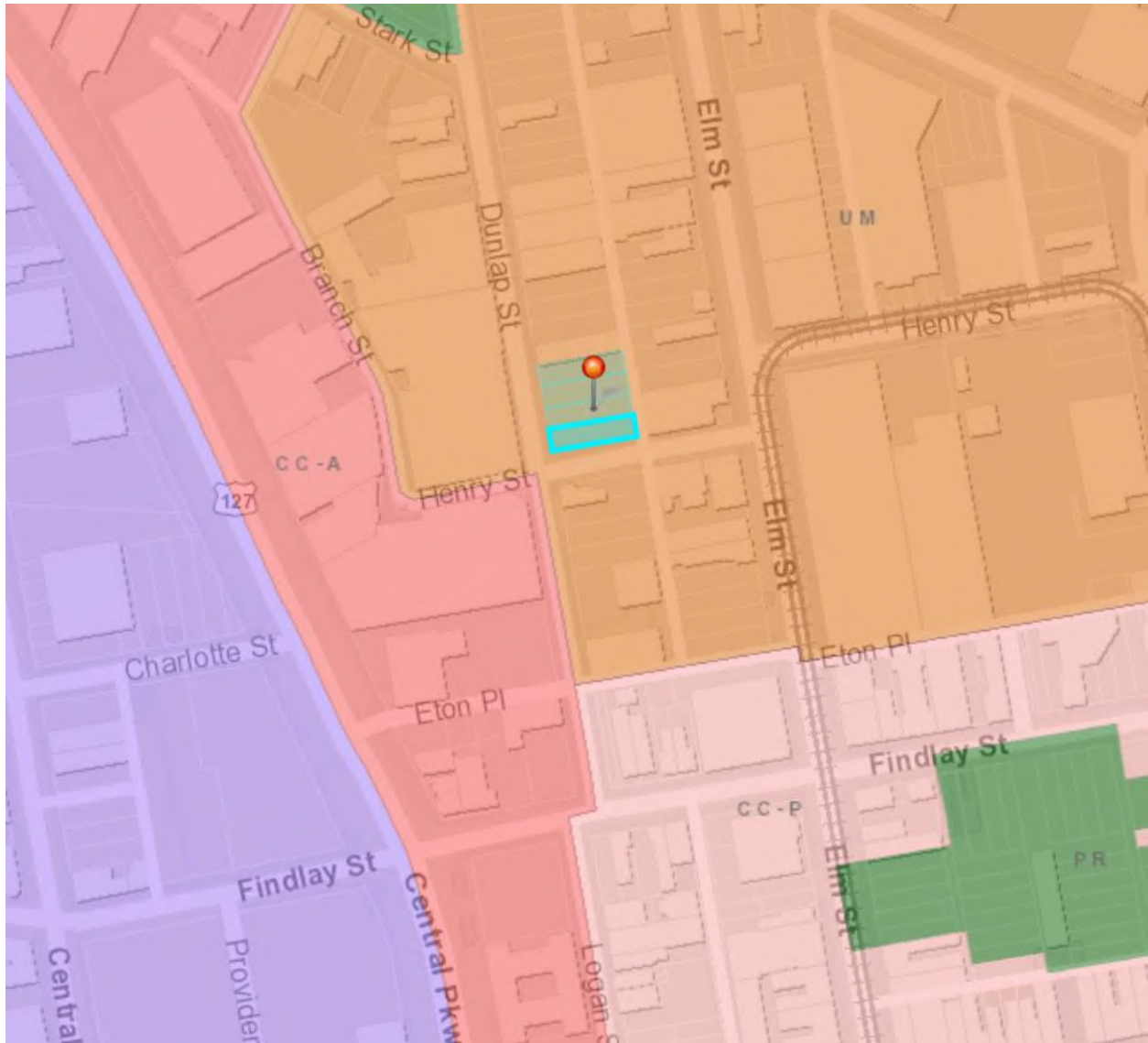


Figure 1: Map of 2000 Dunlap St. Cagis Maps. The site is outlined in blue.



Figure 2: Birds eye view of site. Google Imagery.

ZONING REVIEW

Applicable Zoning Code Sections:

Zoning District: Section 1410
 Variance Request: Section 1410
 Variance Authority: [Section 1445](#)
 HCB authority: [Section 1435-05-4](#)
 Overlays: [Section 1435](#)
 Historic District/Reg: Over-the-Rhine District
 COA Standard: [Section 1435-09-2](#)

UM
 Development Regulations

Historic Preservation

COA; Standard of Review

ZONING REVIEW:

The applicant is requesting a variance related to setback and density for the site at 2000 Dunlap St. The determined use is Congregate Housing (see definition below) as the proposal for permanent supportive housing has individual dwelling units with communal dining facilities and support services, but the support services are not required as would be with Transitional Housing. This use is permitted under the UM at a density of 1 unit per 700sf/lot area.

§ 1401-01-C19. - Congregate Housing.

Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents.

As the property is 100ft x 100ft, the determination of what lot line, Henry St or Dunlap St lot line can be made by staff and the application in consultation. As the proposed massing provided has the parking and utility placement on the north face of the building, we have determined the north property line is the rear, the south property line along Henry Street is the front property line. The applicants are permitted by right to build at a zero-lot line along the alley and are therefore requesting a zero lot at only a portion of the north property line.

Standards for Conditional Uses per Section 1435-05-4

- (a) *Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District of Historic Asset; or*

The proposed work will fill a significant void in the urban fabric where a parking lot is currently. The appropriateness of design related to the Historic Conservation Guidelines cannot be assessed at this time. A massing model has been provided and while an approval of 44 units at this location does not bind the Historic Conservation Board to approve the massing model provided, staff does not believe a building at 4 stories tall with zero lot lines as shown is in conflict with the Over the Rhine New Construction Guidelines as there are neighboring contributing buildings that are 3 stories tall and the Historic Conservation Guidelines state “ *The height of new construction should not vary more than one story from adjacent contributing buildings. Most buildings in Over-the-Rhine are between two- and five-stories.*”

- (b) *Is necessary where the denial thereof would result in a deprivation of all economically viable uses of the property as viewed in its entirety. In making such a determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2 (aa) to (ff).*

This has not been established by the applicants.

Standards for Variances per Section 1445-05-4

- (a) *Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.*

A strict application of the code would only allow 14 residential dwelling units on this property. This strict application is contrary to the goals of creating more housing opportunities, especially Low-Income Housing opportunities to provide more diverse housing options within the city.

The applicant is also aiming to use LIHTC funding. This funding often requires a certain level of scale to be eligible and competitive for the funding allotment.

- (b) *The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.*

The applicants are asking for the density allowance that is denser than any other new construction LIHTC project that has been approved, but not the densest new construction project that has been approved within the Over-the-Rhine Historic District. If the applicant was permitted to have the same density as the densest previously approved new construction LIHTC project, they would be permitted to have 40 units compared to 44 units requested. If they were permitted to have the same density allowed as the densest multi-family new construction project approved within the Over-the-Rhine Historic District, they would be permitted 54 units. This information is being provided for reference to comparable developments, LIHTC and market rate, the Zoning Code and variance standards do not distinguish density and relief regulations based on affordability.

LIHTC New Construction Projects with approved Density from HCB

Address	Density approved lot area/unit	Density per code lot area/unit	Approved Date
1712 Logan St	517 sf	700 sf	11/8/21
1684 Central Av	312.5sf	700 sf	9/27/21
1602 Pleasant St	247 sf	700 sf	8/5/19
1617 Race St	366 sf	700 sf	8/5/19
1521 Vine St	321 sf	700 sf	9/23/19
1512 Republic St	283 sf	700 sf	8/5/19
1505 Vine St	458 sf	700 sf	3/25/19

528 E 12 th St	404 sf	700 sf	8/17/20
600 W 12 th St	426 sf	700 sf	8/17/20

Market Rate New Construction Projects with by right per a PD Zone or Density Variance from HCB

Address	Density approved lot area/unit	Density per code lot area/unit	Approved Date
1621 Logan St	187 sf	NA	PD approved 2/3/21
1617 Elm St	355 sf	NA	PD approved 2/3/21
1118 Sycamore St	261 sf	700 sf	10/8/18
1437 Elm St	466 sf	700 sf	9/25/17
1216-1218 Race St	324 sf	700 sf	8/28/17

The request is for 1 bedroom studio apartments. This totals 44 beds. The applicants would be allowed to have 14 units with multiple bedrooms each, as a dwelling unit is permitted to have one family. A family is defined as a person living alone or two or more persons living together as a single housekeeping unit in a dwelling unit (Section 1401-F2- Family). Per the building code, a family is defined as no more than 5 unrelated people living together, so a 14-unit complex with 5 bedrooms each for a total of 70 bedrooms could be permitted by right.

As seen on the map on page 2 the applicants are asking for a similar setback allowance to adjacent properties. The majority of properties directly adjacent to the property have zero lot lines at the rear yard. As the applicant is only requesting a partial variance, staff finds this request reasonable considering the context of directly surrounding properties that have zero lot line development.

General Standards; Public Interest

Below is analysis of the consideration factors for all of the requested zoning actions, utilizing Section 1445-13, General Standards; Public Interest.

- a. **Zoning.** *The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.*
The underlying zoning is UM. The proposed density and rear setback do not conform to the base zoning.
- b. **Guidelines.** *The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.*

The project is within Over-the-Rhine Historic District. The requested work for new construction will be reviewed for conformance with the Historic District Guidelines in a future hearing.

- c. **Plans.** *The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.*

There are 4 plans within the last 20 years that are associated with this area: Mohawk Area Plan, Brewery District Master Plan, Plan Cincinnati, and the Over-the-Rhine Comprehensive Plan. Below is specific language from those plans with language highlighted that are pertinent to this specific request.

Mohawk Area Plan The proposed work conforms to the Mohawk Area Plan adopted in 2021. Below is the Housing Goal for the plan from page 39:

Housing

Goal: Develop Mohawk to be a diverse and inclusive district that contains neighborhood-specific housing for all income levels.

Strategy 1: Promote architecturally compatible and consistent housing infill.

- Encourage property owners to activate vacant units and prioritize filling residential units above street-level commercial spaces.
- Unify residential and business organizations to promote productive communication and apply for project funding.
- Require that residential infill, including but not limited to single and multi-family structures, remain consistent with the architectural and pedestrian-friendly character and density of Mohawk within and surrounding the Sohn-Mohawk Historic District.
- The development of new market-rate housing will not happen at the detriment of low-income residents.
- Encourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents

In regard to setbacks in the Connectivity goal on page 33:

Connectivity

Goal: Develop Mohawk into a well-connected neighborhood that is safe and accessible for all modes of travel.

Strategy 1: Develop a walkable neighborhood business district/ entertainment district.

- Locate new buildings and structures with zero or minimal setbacks, where frontage is on or near sidewalks

The Brewery District Master Plan of 2013 states on page 54 the vision for the area is “To restore the area’s original character, we recommend that this area become a “Brewing Heritage Urban Center” zone. This area should continue allowing a wide range of uses. It should be developed as medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout. No drive through facilities should be permitted. The focus should be on restoration. New construction should be a minimum of 2 stories, and not taller than 5 stories.”

Plan Cincinnati of 2012 in the Live Initiative has the following goal:
Provide a full spectrum of housing options, and improve housing quality and affordability.

- A. Provide quality healthy housing for all income levels.
- B. Incentivize housing options of varied sizes and types for residents at all stages of life.
- C. Evenly distribute housing that is affordable throughout the City.
- D. Affirmatively Further Fair Housing.

Over-the-Rhine Comprehensive Plan of 2002 has the following goals under housing:

Housing Goals and Key Recommendations

- 1. Encourage and welcome new investment at all income levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents.
- 2. Provide appropriate housing-related services for all residents.
- 3. Protect, preserve and enhance the significant landmarks and areas of OTR’s historical, architectural and cultural heritage without displacement.

- d. **Traffic.** *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.*
Parking is not required for developments within the Urban Parking Overlay Zone. Please see below under Adverse Effects for a more detailed discussion.
- e. **Buffering.** *Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.*
No buffering is required by zoning as the adjacent parcels are within the same zoning district and do not require buffering.
- f. **Landscaping.** *Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.*
There are no landscaping or buffer yards required.

- g. **Hours of Operation.** *Operating hours of the venue are compatible with adjacent land uses and illustrated below.*

This is a residential project and hours of operation are not applicable.

- h. **Neighborhood Compatibility.** *The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.*

While the proposal is denser than other recently approved projects, there is at least one other new construction project that is denser and a few others that also have a double and triple density allowance on their sites.

The proposed use as a 4-story multi-family residential building is in keeping with the mixed-use area. Several multi-story, multi-family residential new construction projects have been approved within the surrounding blocks.

- i. **Proposed Zoning Amendments.** *The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.*

Ordinance 202101677 has been referred to City Planning Commission from Council. This ordinance would remove density requirements from many zoning districts throughout Cincinnati, including the UM zoning. The proposed density would be approved by right with the approval of the proposed ordinance.

- j. **Adverse Effects.** *Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.*

There have been no noted concerns regarding access to the property by fire, police or other public services from city agencies. As the proposed development is on a corner, there is ample access to the property for services.

1) Parking and Traffic Patterns

On September 19, 2018, City Council passed the Urban Parking Overlay Zone #1, which exempts all projects within the boundary of the overlay from parking requirements. This overlay became law on October 20, 2018. While the property would be exempt from parking requirements, the project is asking for an increase in residential density which does normally increase the anticipated parking demand, however as this is a proposed LIHTC project with the specific population of the homeless being served, car ownership is unlikely and therefore there will be

very limited parking demand. Additionally, and uniquely within OTR, transit capacity and opportunities within walking distance for jobs, goods and services, should, in actuality, minimize the parking demand given the more urban context.

Concerns have also been brought up that increased traffic and parking as well as street closures during construction would provide a disruption to current businesses within the vicinity. Construction parking is not regulated through the zoning code. Any closure of the right of way would be required to get a permit through the Department of Transportation Engineering.

2) Trash and Utility Management

When an increase in density is requested for a property, providing adequate trash and utility management within the building or on the property is necessary as to not create a collection of trash receptacles on public right of ways, either on streets or on alleys. The proposal has a dumpster enclosure on site to provide adequate trash collection for the property.

Other concerns noted as potential adverse effects in public comments both written and at the pre-hearing:

3) Lack of Outdoor space

The base zoning, UM, only requires a 10 ft setback on a property, and this is not required to be an outdoor space for gathering. If the required 10 ft rear yard was required, it would have 1000 sf of open area on the property if all other portions of the lot were building coverage. The proposal has 500 sf of area within a courtyard and approximately 2000sf non-building area on the property. The property is providing more than 2 times the require open space on the property.

4) The area is entertainment/commercial not residential, and the area is mostly single/two family residential uses

As noted above, the proposed use is classified as congregate housing. While the prevalent land use may be something other than multi-family, the zoning of Urban Mix allows residential uses including multi-family and congregate housing.

k. ***Blight.*** *The elimination or avoidance of blight.*

This property is not a blighted building but is a parking lot.

l. ***Economic Benefits.*** *The promotion of the Cincinnati economy.*

This management and owner of the property and development is a non-profit. As a proposed congregate housing project that aims at reducing homelessness, the proposal will support the Cincinnati economy through providing an opportunity for residents to gain housing security.

- m. **Job Creation.** *The creation of jobs both permanently and during construction.*
The proposed project will create temporary jobs during construction and will provide permanent jobs as staff/management of the multi-family building.
- n. **Tax Valuation.** *Any increase in the real property tax duplicate.*
The new construction costs of \$8 million will increase the property value of the property.
- o. **Private Benefits.** *The economic and other private benefits to the owner or applicant.*
The owner of the property will have a benefit to redeveloping the property and creating an income stream to help support the mission of creating more affordable housing within Cincinnati.
- p. **Public Benefits.** *The public peace, health, safety or general welfare.*
The overall project is creating more Low-Income housing opportunities as well as having a specific goal of helping to provide housing security for the homeless population in Cincinnati.

Other Considerations:

Prehearing Results: September 8, 2021 – The applicant and their team were present. 12 members from the public were on the call

Comments Provided to Staff: 19 letters/emails of opposition have been submitted. One letter is signed by multiple adjacent property owners. 18 letters of support have been submitted.

Community Outreach: While staff always encourages any outreach or community engagement, per the process for application of Zoning Relief in the zoning code, it is not required that an applicant contact or have community engagement to apply.

The applicant has begun community outreach to the Over-the-Rhine Community Council Economic Development and Housing Committee and has committed to engaging with the OTRCC throughout the design process prior to coming back for an application for a Certificate of Appropriateness. The dates below are the community engagement the applicants have done.

- November 22, 2021 – Sent email to OTR Community Council President and informed him of the project and asked to present before Executive Board
- December 13, 2021 – Attended and Presented to OTR Comm. Council Executive Board of Trustees (presentation attached)
- January 4, 2022 – Attended and Presented to OTR Comm. Council Economic Development and Housing Committee (presentation attached)
- January 5, 2022 – Attended and Presented at HCB Staff Pre-Hearing
- January 10, 2022 - Attended and Answered Questions at OTR Comm. Council Executive Board of Trustees
-

In addition to the dates above we intend to continue community engagement throughout the design and massing of the project in advance of the future Certificate of Appropriateness application. We are working directly with the Community Council to schedule these and the tentative date for the first design charrette is March 1, 2022.

Project timeline: If allocated the LIHTC, the applicants will be working towards having an application for a Certificate of Appropriateness and any additional zoning relief related to the building back for a hearing with the HCB by early summer. Construction would begin Spring 2023 and it would be operational in Spring of 2023.

Recommendation:

Staff recommends the Historic Conservation Board take the following actions:

I. ZONING RELIEF

The following recommendations are proposed for the project proposed at 2000 Dunlap Street per the drawings submitted by New Republic dated 12.10.2021:

- A. **1410-07: APPROVE- Variance** to allow proposed density of 227 sf of land area/unit for a unit count of 44 units with the following conditions:
 - a. If the project does not move forward with Low Income Housing Tax Credits, the density variance is required to come back before the Historic Conservation Board.
 - b. Approval of this variance does not bind the Historic Conservation Board to the massing proposed in the packet and the applicant still has to show with credible evidence that the proposal meets the requirements of 1435-09-02.
- B. **1410-07: APPROVE- Variance** of 10 feet for a zero-lot line on a portion of the lot, per plans submitted by New Republic Architecture dated 12/10/2021-
- C. **FINDING:** The Board makes this determination that per Section 1435-05-4:

1. Such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located.
2. The project is part of a Low-Income Housing Tax Credit Project and the applicants have sufficiently demonstrated that the extra units are needed to make the project economically feasible.
3. Low Income and Affordable Housing are a stated goal in the Over-the-Rhine Comprehensive Plan of 2002, Plan Cincinnati, and the Mohawk Area Plan of 2021.

ADJUDICATION/DENIAL LETTER

Date: December 8, 2021

Location: 2000 Dunlap St

Request: Zoning Relief for Multi-family

Zoning District: UM/ OTR Historic District

The City of Cincinnati appreciates receiving your information regarding your proposed project. The purpose of this letter is to inform you that your proposed project will be required to get a Certificate of Appropriateness and Zoning Relief from the Historic Conservation Board as it is within a local historic district. At this time only the Zoning Relief is requested. Approval of Zoning Relief does not guarantee a Certificate of Appropriateness request. Additional Zoning Relief may be required upon final design. This may include, but is not limited to, height (max 45 ft).

All documents **that are checked** on the Documents Required for Historic Conservation Board Review are a required part of the submission and the submission will not be considered complete unless all of these documents are included. When you submit the copies of the application, the Documents Required Sheet must be submitted as well. **A \$500.00 fee is required with the submission as well.** All deadlines for upcoming Historic Conservation Board hearings can be found at <https://www.cincinnati-oh.gov/buildings/historic-conservation/historic-conservation-board/>. **Applications must be submitted no later than 3pm on the deadline date.**

Your request also does not comply with the City of Cincinnati Zoning Code for the following reason(s):

1. 1410-07- Development Regulations. Density. 700 sq of lot area/unit is required. The lot is 10,000 sf and 14 units are permitted. 44 are requested. A variance to allow a density of 227 sf of lot area/unit is required.
2. 1410-07- Development Regulations. Rear setback. A rear setback of 10 feet is required for residential projects. As a property that is s square either street frontage can be considered the front lot line. As both the north and east property lines can be considered rear and both have a zero-lot line, a 10 ft variance for the rear yard is required.

The applications and documents required will be turned into the *Law Department- Office of Administrative Boards*. Their office is located on the 5th floor of 805 Central Avenue in the Permit Center. Applications can be turned in **no later than 3pm on the deadline date**. You must contact Kasandra Maynes at 513-352-1559 or Kasandra.Maynes@cincinnati-oh.gov for submittal.

You may also contact me at the information listed below with historic conservation or zoning questions, concerns or to make an appointment.

Sincerely,



Beth Johnson

Urban Conservator

(p): 513-352-4848

(e): beth.johnson@cincinnati-oh.gov



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559
Boards@cincinnati-oh.gov

ZONING HEARING EXAMINER

Application for Zoning Relief

Office Use Only

Case Number: _____

Hearing Date: _____

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HILLSIDE DISTRICT: ☐ Yes ☐ No
BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
HISTORIC DISTRICT: ☐ No ☐ Yes: (name) _____
☐ Non-Residential Project ☐ Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF RELIEF REQUESTED. (select all that apply)

- ☐ Variance ☐ Special Exception ☐ Conditional Use ☐ Use Variance
☐ Expansion or Substitution of Non Conforming Use ☐ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

Section 5. BRIEF DESCRIPTION OF PROPOSED PROJECT (Do not write "see attached" or leave blank. You may attach a longer statement to this application if the space provided is insufficient to describe your proposed project)

Section 6. SUMMARY OF REASONS WHY RELIEF SHOULD BE GRANTED.

You must provide a written statement explaining how the proposed project meets the standards for all relief requested. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request, your application may be denied.

Section 7. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.

Print Name _____ Signature  Date ____/____/____



City of Cincinnati
c/o Beth Johnson, Urban Conservator
Building Permit Center
805 Central Avenue, Suite 500
Cincinnati, OH 45202

December 10, 2021

Dear Beth,

I am writing to explain the reason for a density variance request of 30 dwelling units, and a 10' rear yard setback variance. for the proposed permanent supportive housing development at 2000 Dunlap Street, in Over the Rhine, as outlined in the criteria in section 1445-13 and 1445-15 of the CZC.

Please note, this variance request ONLY addresses density and rear setback. We will apply for a COA and work with Beth Johnson, the HCB, and the OTR Infill Committee after the 1.24.22 HCB meeting, in order to work towards mutual satisfaction on building massing, height, materials, fenestration, and other aesthetics which will be guided by the OTR Historic District's infill Guidelines.

SECTION 1445-13: General Standards; Public Interest

Zoning. The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code or the Land Development Code, as applicable. **The Project conforms to the base zoning code of UM Urban Mix as a permitted use.**

Guidelines. The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located. **As an affordable housing project, the proposed Project is in conformance with repeated, recent stated policy goals to enhance affordable housing within the City of Cincinnati.**

Plans. The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission. **The Project conforms to Over the Rhine Comprehensive Plan.**

Traffic. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed. **The Project is bounded by Dunlap and Henry, and should be sufficiently supported by these streets with respect to traffic, especially given that the tenants of the proposed Project (persons transitioning out of homelessness) do not have personal vehicles. Additionally, the site is served by nearby public transport options, including Redbike, METRO, and the Cincinnati Streetcar station on Elm Street.**



Buffering. Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts. **The Project is generally built to the zero lot line on all sides, however, adjacent uses are generally low-intensity warehouse uses, and as such the two uses should co-exist without much friction.**

Landscaping. Landscaping meets the requirements of [Chapter 1423](#), Landscaping and Buffer Yards. **The Project is generally built to the zero lot line as per the requirements of the Over the Rhine Historic Districts guidelines for new/infill construction. As such, there is no space for landscape buffering.**

Hours of Operation. Operating hours are compatible with adjacent land uses. **The building is all residential, and therefore hours of operation are not relevant.**

(h)

Neighborhood Compatibility. The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood. **OTRCH, an active non-profit housing provider in OTR for the last three decades is the development entity for the project and as such, should have community support for its compatibility.**

Proposed Zoning Amendments. The proposed work is consistent with any proposed amendment to the zoning code or the Land Development Code then under consideration by the City Planning Commission or Council. **No amendments are known at this time.**

Adverse Effects. Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings. **It is anticipated that the proposed project will sufficiently address these issues as the Project seeks to eliminate a vacant parking lot.**

Blight. The elimination or avoidance of blight. **As the site is currently a vacant parking lot, the proposed building will eliminate blight and contribute to the return of the urban form of the OTR district.**

Economic Benefits. The promotion of the Cincinnati economy. **An additional 44 units of affordable housing is an economic boon to the community.**

Job Creation. The creation of jobs both permanently and during construction. **It is anticipated that over 100 construction and three full time jobs will be created.**

Tax Valuation. Any increase in the real property tax duplicate. **The property improvements of \$8m will cause an increase in property value.**

Private Benefits. The economic and other private benefits to the owner or applicant. **This will add to the owner's portfolio of self-managed affordable housing, boosting its annual revenue and allow it to continue to serve its mission as an affordable housing provider in Cincinnati.**

Public Benefits. The public peace, health, safety or general welfare. **Constructing a new residential building on a blighted corner will assuredly increase the public health safety and welfare. The proposed density variance is required in order to create sufficient density to make the project viable through economies of scale. The permitted 14 dwelling units simply does not effectively drive scale and is not economically viable.**





SECTION 1445-15: Standards for Variances

The condition, giving rise to this requested variance was not created by the Owner or any predecessor. The condition (lot density) is solely generated by the CZC. The requested variance is not contrary to the intent and purpose of the CZC or the OTR Historic District Guidelines, as applicable, and the zone district nor detrimental or injurious to the public health, safety and general welfare based on either of the following:

- (a) Owing to special circumstances or conditions pertaining to a specific piece of property, the strict application of the provisions or requirements of this Code or the Land Development Code, as applicable, are unreasonable and would result in practical difficulties.

The strict application of the 14 unit permitted dwelling unit density does not allow for economies of scale in construction, property management, and social services, and as such makes the project unviable. The 44 units requested create sufficient scale for construction, property management and social services to be effective and efficient. The variance for the 10' rear yard allows for the construction of all the dwelling units within the required height limits, thus preserving the desired 44 dwelling units.

- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

The district, as an "Urban Mix" is an eclectic mix of uses, which previously have been co-existing in general harmony, and the addition of a 44 unit permanent supportive housing project should add to this eclectic mix of owners enjoying their current property rights.

Thank you for your time and consideration in this manner.

Kind regards,

New Republic Architecture

A handwritten signature in black ink, appearing to read 'Bob Carbon', is written over the printed name.

Bob Carbon

Senior Designer / Project Manager

Online Property Access


< First << Prev Next >> Last >|

[RETURN TO SEARCH LIST](#)

Property 1 of 1

Parcel ID: 096-0005-0116-00 Address: 2000 DUNLAP ST Index Order: Parcel Number Tax Year: 2020 Payable 2021

Property Information

Tax District	001 - CINTI CORP-CINTI CSD	Images/Sketches 
School District	CINCINNATI CSD	
Appraisal Area	01801 - OVER THE RHINE 01	Land Use
Sales		499 - OTHER COMM STRUCTURE
Owner Name and Address	RACE STREET TENANT ORGANIZATION COOPERATIVE 114 W 14TH ST CINCINNATI OH 45202 (call 946-4015 if incorrect)	Mailing Name and Address
		OTRCH 1227 VINE ST CINCINNATI OH 45202 (call 946-4800 if incorrect)
Assessed Value	14,730	Effective Tax Rate
		89.090432
		Total Tax
		\$1,377.86
Property Description		
DUNLAP ST 100X100 LTS 27- 28-29-30 JAS C LUDLOWS SUB PRS 117-118-119 CONS		

Appraisal/Sales Summary

Year Built	2018
Total Rooms	0
# Bedrooms	0
# Full Bathrooms	0
# Half Bathrooms	0
Last Transfer Date	5/15/1992
Last Sale Amount	\$0
Conveyance Number	0
Deed Type	WE - Warranty Deed (EX)
Deed Number	
# of Parcels Sold	1
Acreage	0.234

Tax/Credit/Value Summary

Board of Revision	No
Rental Registration	No
Homestead	No
Owner Occupancy Credit	No
Foreclosure	No
Special Assessments	Yes
Market Land Value	35,130
CAUV Value	0
Market Improvement Value	6,930
Market Total Value	42,060
TIF Value	18,560
Abated Value	0
Exempt Value	0
Taxes Paid	\$1,377.86
Tax as % of Total Value	0.000%

Notes

1) 11-22-04 30 YEAR TIF ABATEMENT BEGAN 2003 THRU 2032

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Parcel ID: 096-0005-0116-00 Address: 2000 DUNLAP ST Index Order: Parcel Number Tax Year: 2020 Payable 2021

Pictometry Aerial Imagery

[\[View Full-Size\]](#)



Blue Boundary Lines Are Approximate

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DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
06/29/2006	200618001146	MERGER/DOMESTIC (MER)	125.00	100.00	00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

BECKMAN WEIL SHEPARDSON LLC
300 PIKE ST
STE 400
CINCINNATI, OH 45202

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, J. Kenneth Blackwell

727692

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

OVER-THE-RHINE COMMUNITY HOUSING

and, that said business records show the filing and recording of:

Document(s)
MERGER/DOMESTIC

Document No(s):
200618001146



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 28th day of June, A.D.
2006.

J. Kenneth Blackwell
Ohio Secretary of State

DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
06/29/2006	200618001146	MERGED OUT OF EXISTENCE (MEX)	.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

BECKMAN WEIL SHEPARDSON LLC
300 PIKE ST
STE 400
CINCINNATI, OH 45202

STATE OF OHIO
CERTIFICATE
Ohio Secretary of State, J. Kenneth Blackwell

525146

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

RACE STREET TENANT ORGANIZATION CO-OPERATIVE (RESTOC)

and, that said business records show the filing and recording of:

Document(s)

MERGED OUT OF EXISTENCE

Document No(s):

200618001146



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 28th day of June, A.D.
2006.

J. Kenneth Blackwell
Ohio Secretary of State



Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State
Central Ohio: (614) 466-3910

Toll Free: 1-877-SOS-PHILS (1-877-767-3453)

www.state.oh.us/sos

e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
Mail Form to one of the following:	
<input checked="" type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 *** Requires an additional fee of \$100 ***
<input type="radio"/> No	PO Box 1329 Columbus, OH 43216

CERTIFICATE OF MERGER

(For Domestic or Foreign, Profit or Non-Profit)

Filing Fee \$125.00

(154-MER)

In accordance with the requirements of Ohio law, the undersigned corporations, banks, savings banks, savings and loan limited liability companies, limited partnerships and/or partnerships with limited liability, desiring to effect a merger, set forth the following facts:

I. SURVIVING ENTITY:

A. The name of the entity surviving the merger is:

Over-the-Rhine Housing Network

B. Name Change: As a result of this merger, the name of the surviving entity has been changed to the following:
Over-the-Rhine Community Housing

(Complete only if name of surviving entity is changing through the merger)

C. The surviving entity is a: (Please check the appropriate box and fill in the appropriate blanks)

- ☐ Domestic (Ohio) For-Profit Corporation, charter number _____
- ☒ Domestic (Ohio) Non-Profit Corporation, charter number 727692
- ☐ Foreign (Non-Ohio) Corporation incorporated under the laws of the state/country of _____ and licensed to transact business in the State of Ohio under license number _____
- ☐ Foreign (Non-Ohio) Corporation incorporated under the laws of the state/country of _____ and NOT licensed to transact business in the state of Ohio, _____
- ☐ Domestic (Ohio) Limited Liability Company, with registration number _____
- ☐ Foreign (Non-Ohio) Limited Liability Company organized under the laws of the state/country of _____ and registered to do business in the State of Ohio under registration number _____
- ☐ Foreign (Non-Ohio) Limited Liability Company organized under the laws of the state/country of _____ and NOT registered to do business in the State of Ohio, _____
- ☐ Domestic (Ohio) Limited Partnership, with registration number _____
- ☐ Foreign (Non-Ohio) Limited Partnership organized under the laws of the state/country of _____ and registered to do business in the state of Ohio under registration number _____

2006 JUN 26 PM 11:09

- ☐ Foreign (Non-Ohio) Limited Partnership organized under the laws of the state/country of _____ and NOT registered to do business in the state of Ohio
- ☐ Domestic (Ohio) Partnership having limited liability, with the registration number _____
- ☐ Foreign (Non-Ohio) Partnership having limited liability organized under the laws of the state/country of _____ and registered to do business in the state of Ohio under registration number _____
- ☐ Foreign (Non-Ohio) Partnership having limited liability organized under the laws of the state/country of _____ and NOT registered to do business in the state of Ohio
- ☐ Foreign (Non-Ohio) Non-Profit Incorporation under the laws of the state/country of _____ and licensed to transact business in the state of Ohio under license number _____
- ☐ Foreign (Non-Ohio) Non-Profit Incorporation under the laws of the state/country of _____ and not licensed to transact business in the state of Ohio
- ☐ General partnership not registered with the state of Ohio

II. MERGING ENTITY

The name, charter/license/registration number, type of entity, state/country of incorporation or organization, respectively, of which is the entities merging out of existence are as follows: If this is insufficient space to reflect all merging entities, please attach a separate sheet listing the merging entities.

(Please list the Ohio charter/license/registration no. below)

Name / charter, license or registration number	State/Country of Organization	Type of Entity
Race Street Tenant Organization Co-operative 525146	Ohio, Hamilton County	Non-profit corp.
_____	_____	_____
_____	_____	_____

III. MERGER AGREEMENT ON FILE

The name and mailing address of the person or entity from whom/which eligible persons may obtain a copy of the agreement of merger upon written request:

Jennifer Anstaett, Beckman Weil Shepardson 300 Pike Street, Suite 400
(name) (street) NOTE: P.O. Box Addresses are NOT acceptable.
Cincinnati OH 45202
(city, village or township) (state) (zip code)

IV. EFFECTIVE DATE OF MERGER

This merger is to be effective on: _____ (if a date is specified, the date must be a date on or after the date of filing, the effective date of the merger cannot be earlier than the date of filing, if no date is specified, the date of filing will be the effective date of the merger).

V. MERGER AUTHORIZED

The laws of the state or country under which each constituent entity exists, permits this merger. This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so.

VI. STATUTORY AGENT

The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is:

Joseph H. Feldhaus 300 Pike Street, Suite 400
(name) (street) NOTE: P.O. Box Addresses are NOT acceptable.
Cincinnati, Ohio 45202
(city, village or township) (zip code)

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct business in the state of Ohio)

VII. ACCEPTANCE OF AGENT

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity.

Signature of Agent _____

(The acceptance of agent must be completed by the surviving entities if through this merger the statutory agent has changed, or the named agent differs in any way from the name currently on record with the Secretary of State.)

VIII. STATEMENT OF MERGER

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity

IX. AMENDMENTS

The articles of incorporation, articles of organization, certificate of limited partnership or registration of partnership having limited liability (circle appropriate term) of the surviving domestic entity have been amended.
☐ Attachments are provided ☒ No Changes

X. QUALIFICATION OR LICENSURE OF FOREIGN SURVIVING ENTITY

A The listed surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability desires to transact business in Ohio as a foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the state of Ohio. The name and complete address of the statutory agent is

(name) (street) NOTE: P.O. Box Addresses are NOT acceptable.
_____, Ohio
(city, village or township) (zip code)

The subject surviving foreign corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State of Ohio if the agent cannot be found, if the corporation, bank, savings bank, savings and loan, limited liability company, limited partnership, or partnership having limited liability fails to designate another agent when required to do so, or if the foreign corporation's, bank's, savings bank's, savings and loan's, limited liability company's, limited partnership's or partnership having limited liability's license or registration to do business on Ohio expires or is canceled.

B. The qualifying entity also states as follows. (Complete only if applicable)

1. Foreign Notice Under Section 1703.031

(If the qualifying entity is a foreign bank, savings bank, or savings and loan, then the following information must be completed.)

(a.) The name of the Foreign Nationally/Federally chartered bank, savings bank, or savings and loan association is _____

(b.) The name(s) of any Trade Name(s) under which the corporation will conduct business. _____

(c.) The location of the main office (non-Ohio) shall be:

(street address) _____ NOTE: P.O. Box Addresses are NOT acceptable.

(city, township, or village) _____ (county) _____ (state) _____ (zip code) _____

(d.) The principal office location in the state of Ohio shall be.

(street address) _____ NOTE: P.O. Box Addresses are NOT acceptable.

(city, township, or village) _____ (county) _____ Ohio _____
(state) _____ (zip code) _____

(Please note, if there will not be an office in the state of Ohio, please list none.)

(e.) The corporation will exercise the following purpose(s) in the state of Ohio
(Please provide a brief summary of the business to be conducted, a general clause is not sufficient)

2. Foreign Qualifying Limited Liability Company

(If the qualifying entity is a foreign limited liability company, the following information must be completed.)

(a.) The name of the limited liability company in its state of organization/registration is _____

(b.) The name under which the limited liability company desires to transact business in Ohio is _____

(c.) The limited liability company was organized or registered on _____
under the laws of the state/country of _____

- (d.) The address to which interested persons may direct requests for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company is.

(street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

(city, township, or village) (state) (zip code)

3. Foreign Qualifying Limited Partnership

(If the qualifying entity is a foreign limited partnership, the following information must be completed).

- (a.) The name of the limited partnership is

- (b.) The limited partnership was formed on _____

- (c.) The address of the office of the limited partnership in its state/country of organization is:

(street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

(city, township, or village) (county) (state) (zip code)

- (d.) The limited partnership's principal office address is:

(street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

(city, township, or village) (county) (state) (zip code)

- (e.) The names and business or residence addresses of the General partners of the partnership are as follows:

Name	Address
_____	_____
_____	_____
_____	_____

(If insufficient space to cover this item, please attach a separate sheet listing the general partners and their respective addresses.)

- (f.) The address of the office where a list of the names and business or residence addresses of the limited partners and their respective capital contributions is to be maintained is:

(street address) *NOTE: P.O. Box Addresses are NOT acceptable.*

(city, township, or village) (county) (state) (zip code)

The limited partnership hereby certifies that it shall maintain said records until the registration of the limited partnership in Ohio is canceled or withdrawn

4. Foreign Qualifying Partnership Having Limited Liability

(a.) The name of the partnership shall be _____

(b.) Please complete the following appropriate section (either item b(1) or b(2)):

(1.) The address of the partnership's principal office in Ohio is:

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

_____, Ohio
(city, village or township)

(zip code)

(If the partnership does not have a principal office in Ohio, then items b2 must be completed)

(2.) The address of the partnership's principal office (Non-Ohio):

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

(city, township, or village)

(state)

(zip code)

(c.) The name and address of a statutory agent for service of process in Ohio is as follows:

(name)

(street address)

NOTE: P.O. Box Addresses are NOT acceptable.

_____, Ohio
(city, village or township)

(zip code)

(d.) Please indicate the state or jurisdiction in which the Foreign Limited Liability Partnership has been formed

(e.) The business which the partnership engages in is:

The undersigned constituent entities have caused this certificate of merger to be signed by its duly authorized officers, partners and representatives on the date(s) stated below.

Over-the-Rhine Housing Network

(Exact name of entity)

By: Kenneth A. Kachoff

Its: Secretary

Date: 3/30/06

Race Street Tenant Organization Co-operative

(Exact name of entity)

By: Leanne J. Otting

Its: Secretary

Date: 3/28/06

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

(Exact name of entity)

By: _____

Its: _____

Date: _____

Ms. Beth Johnson
Urban Conservator
City of Cincinnati
Centennial Plaza Two
800 Central Avenue, Suite 500
Cincinnati, OH 45202

December 10, 2021

Dear Beth,

We hereby plan to call the following witnesses for testimony at the January 24, 2022 Historic Conservation Board Meeting, for our Project at 1684 Central Parkway.

Bob Carbon, Senior Designer / Project Manager
bob@newrepublicarchitecture.com
New Republic Architecture

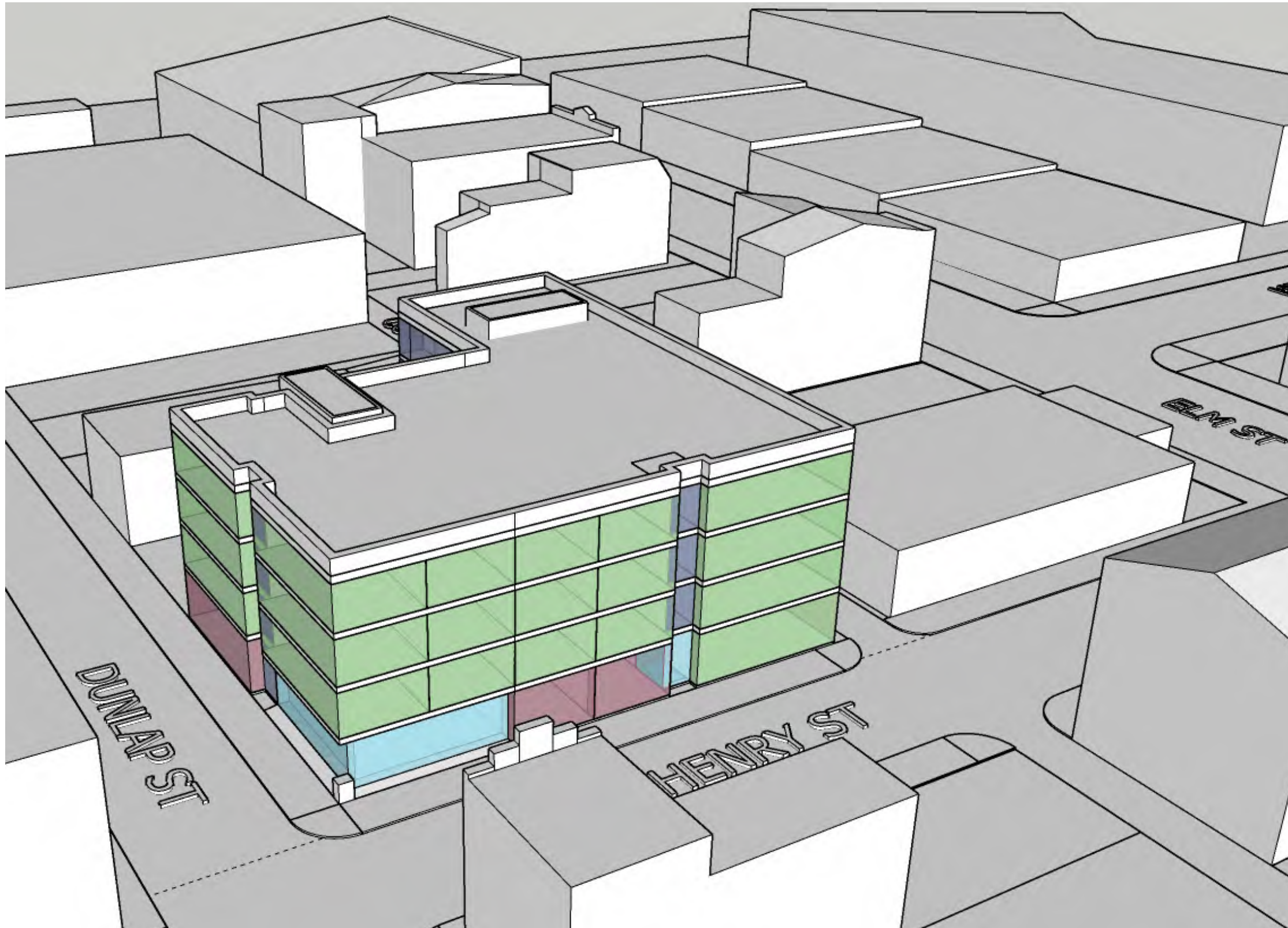
Ben Eilerman, Project Manager
beilerman@otrch.org
Over the Rhine Community Housing

Sincerely,



New Republic Architecture

Bob Carbon, Senior Designer / Project Manager



INDEX

SITE PLAN - Page 1

TYPICAL FLOOR PLAN - Page 2

FIRST FLOOR PLAN - Page 3

BASEMENT FLOOR PLAN - Page 4

STUDIO FLOOR PLAN - Page 5

AXON - Page 6

AXON - Page 7

AXON - Page 8

DUNLAP + HENRY PSH

2000 DUNLAP ST
CINCINNATI, OH 45214

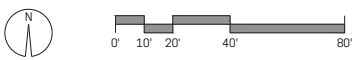
PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 13, 2021





ARCHITECTURAL SITE PLAN



DUNLAP + HENRY PSH

2000 DUNLAP ST
CINCINNATI, OH 45214

PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 13, 2021





TYPICAL FLOOR PLAN

DUNLAP + HENRY PSH

2000 DUNLAP ST
CINCINNATI, OH 45214

PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 13, 2021



DUNLAP ST



COLBY ALLEY

HENRY ST

FIRST FLOOR PLAN

DUNLAP + HENRY PSH

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CINCINNATI, OH 45214

PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 13, 2021





BASEMENT FLOOR PLAN

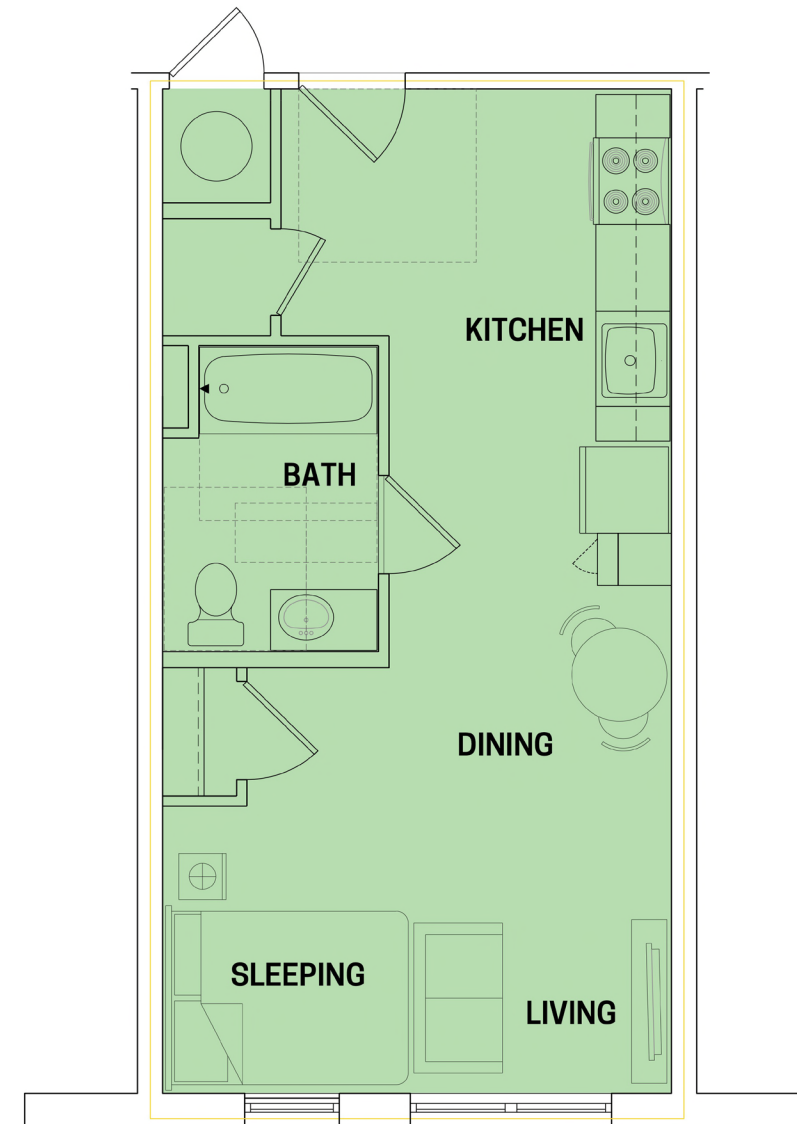
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TYPICAL STUDIO PLAN - 450 GSF SCALE: 3/8" = 1'-0"

All units proposed as Studios at 450 Gross Sqft.

Total Units: 44

Basement Level-0

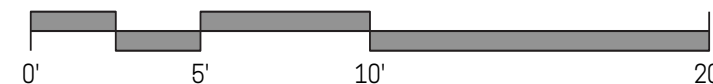
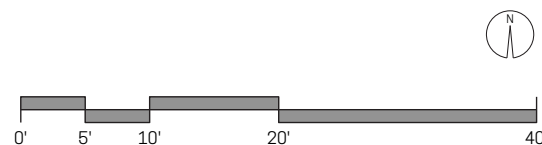
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Second Floor-13

Third Floor-13

Fourth Floor-13

TYPICAL FLOOR PLAN



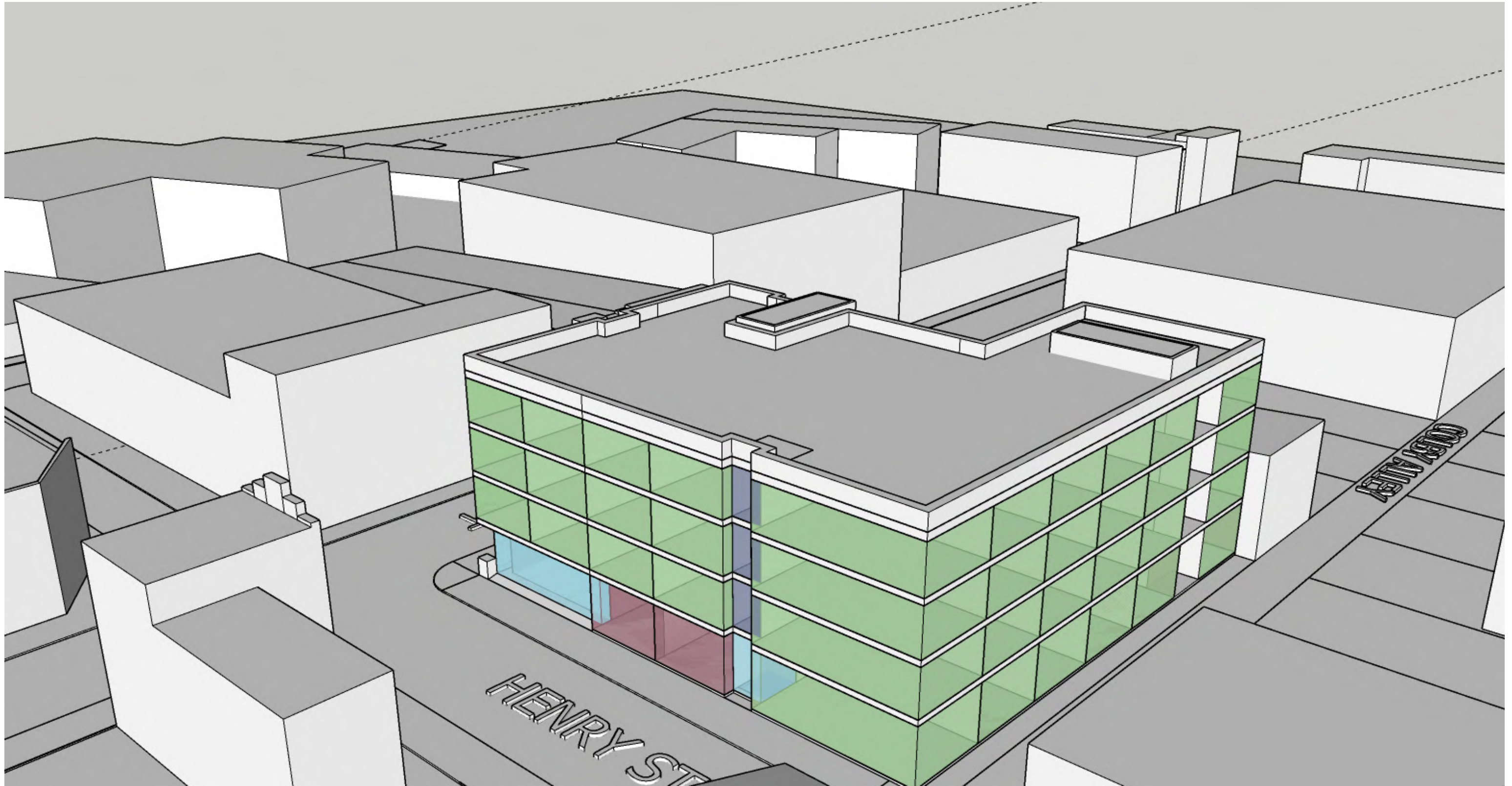
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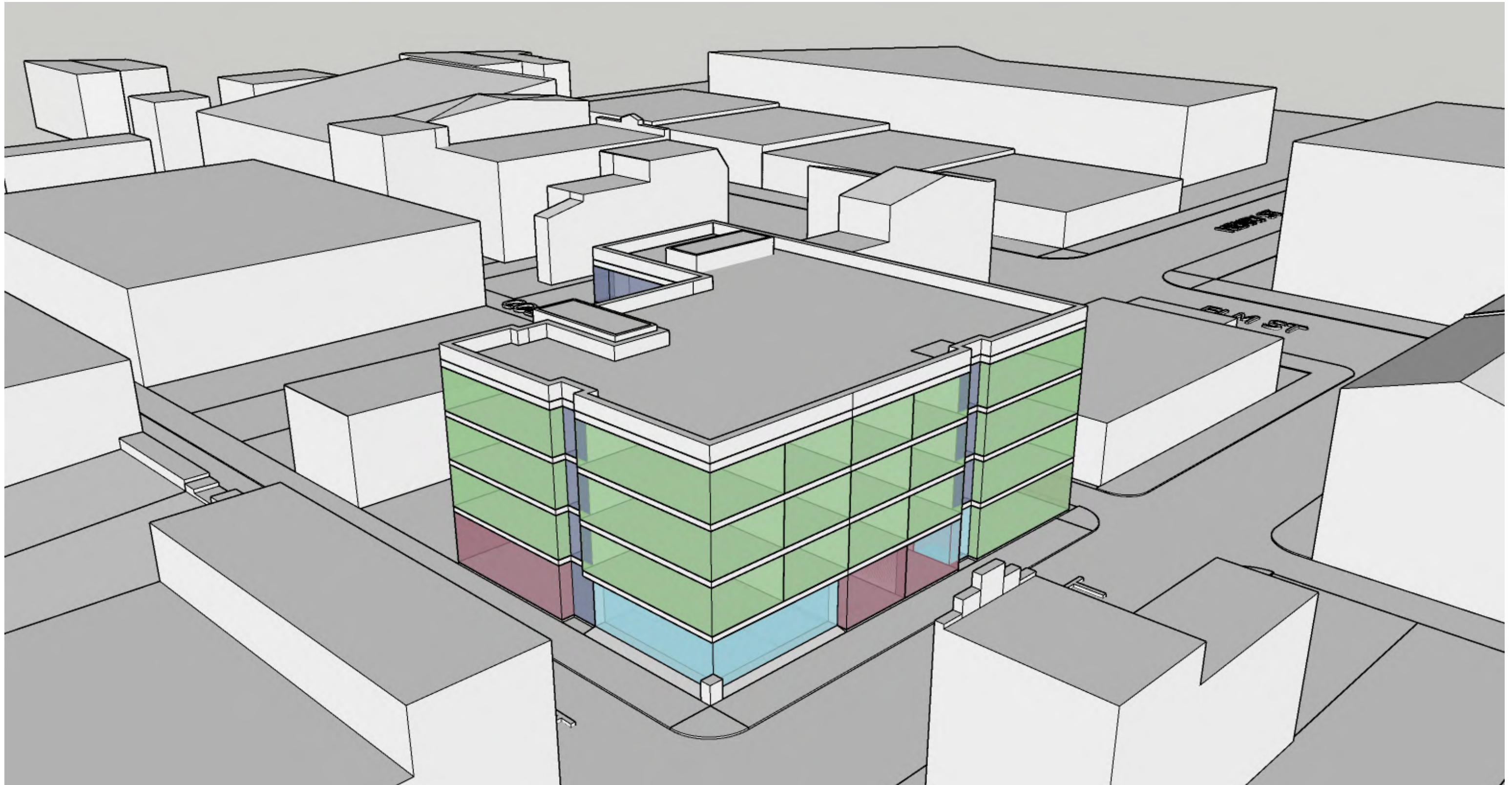
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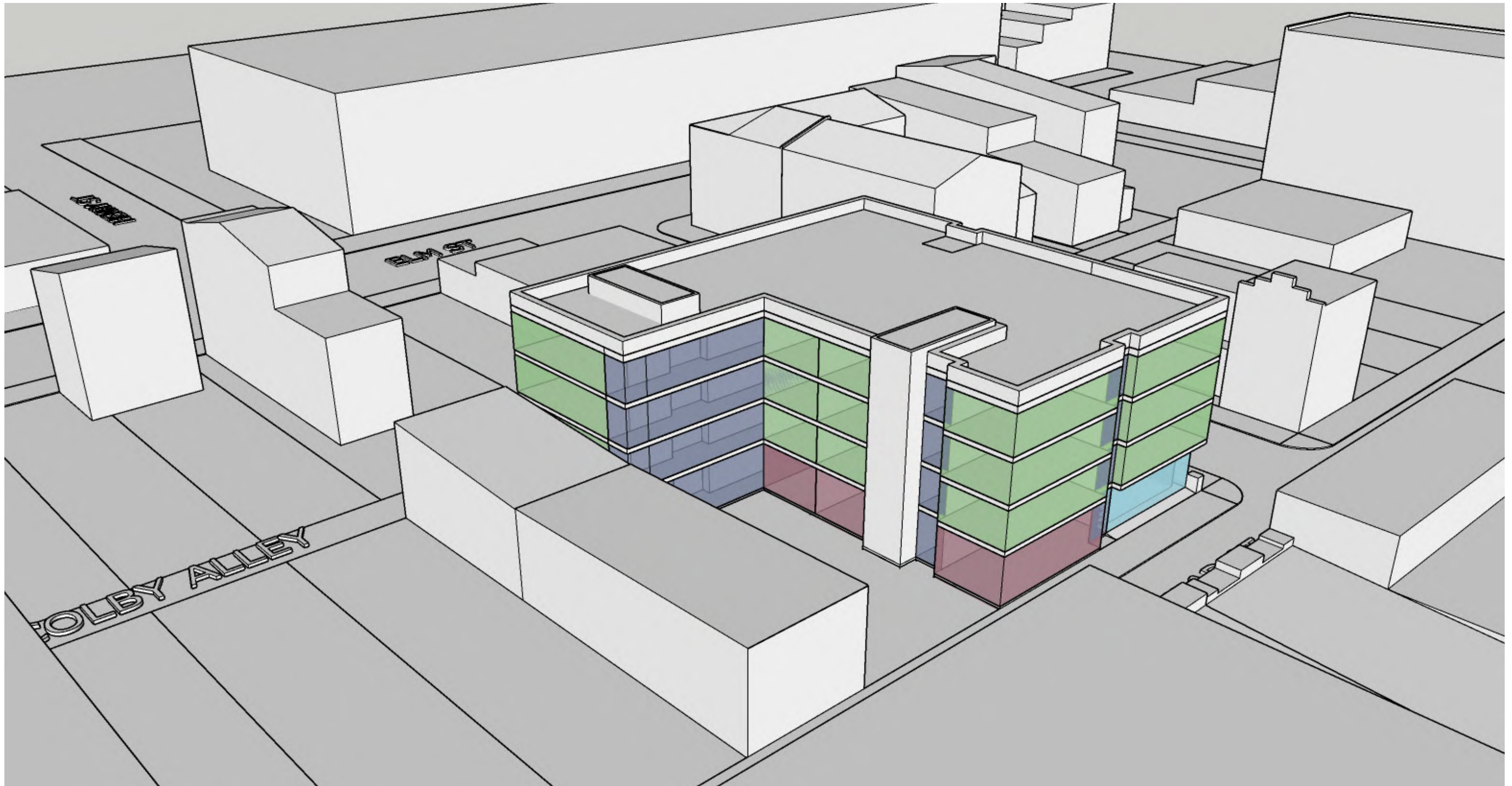
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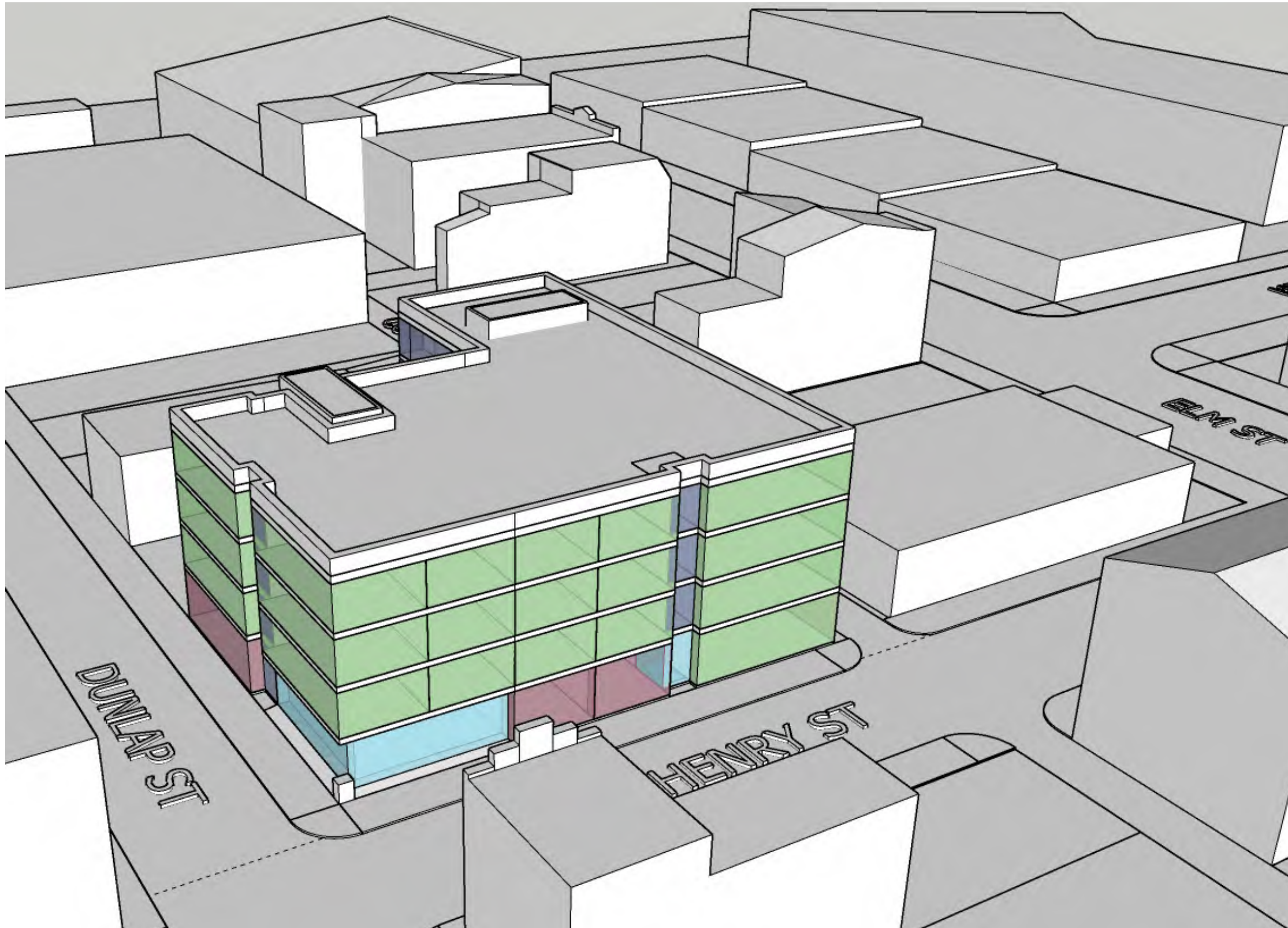
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PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 13, 2021





INDEX

SITE PLAN - Page 1

TYPICAL FLOOR PLAN - Page 2

FIRST FLOOR PLAN - Page 3

BASEMENT FLOOR PLAN - Page 4

STUDIO FLOOR PLAN - Page 5

AXON - Page 6

AXON - Page 7

AXON - Page 8

DUNLAP + HENRY PSH

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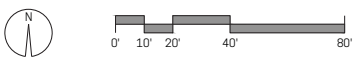
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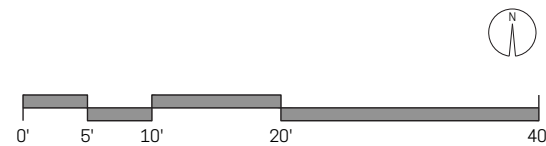
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DUNLAP ST



COLBY ALLEY

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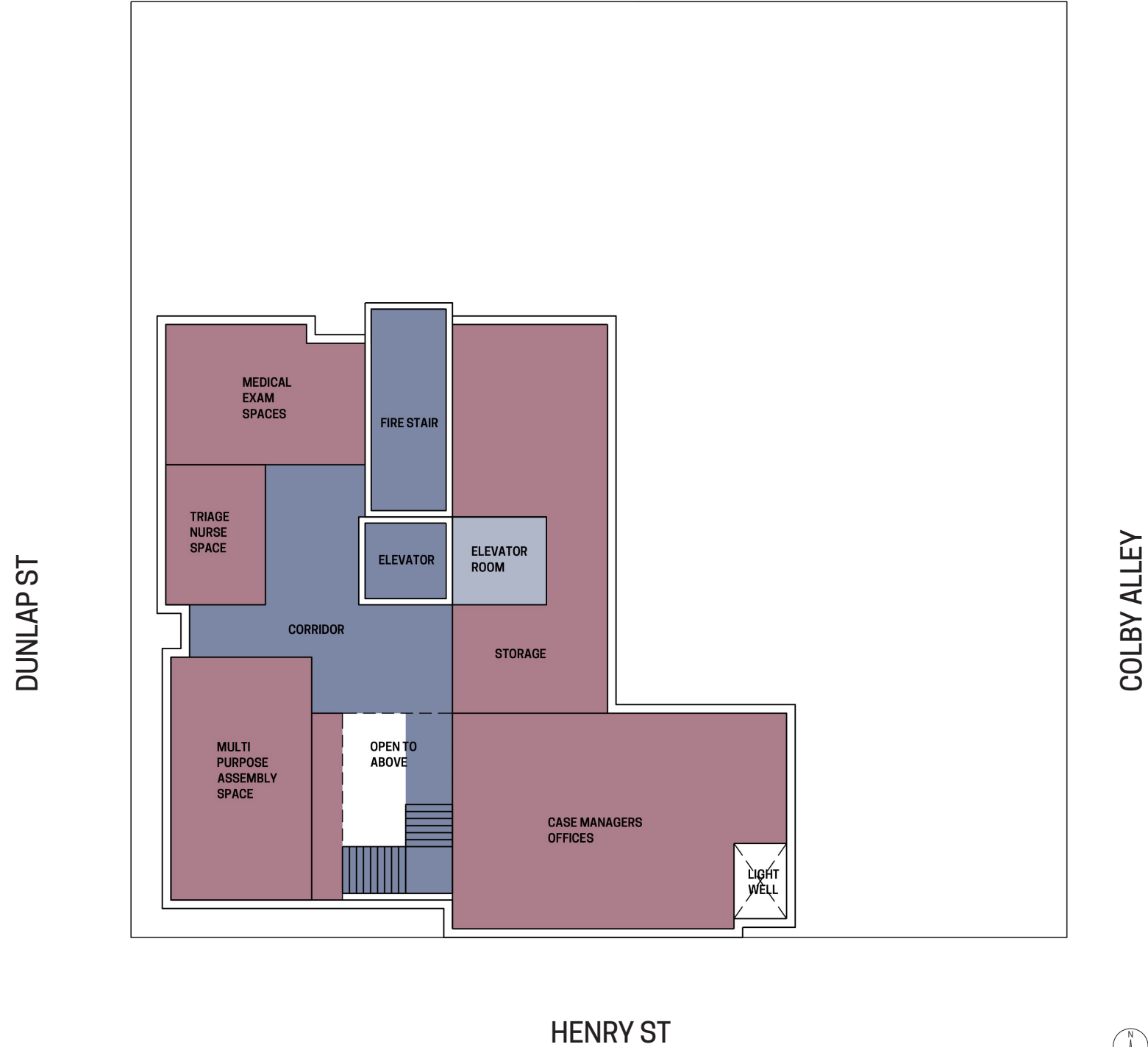
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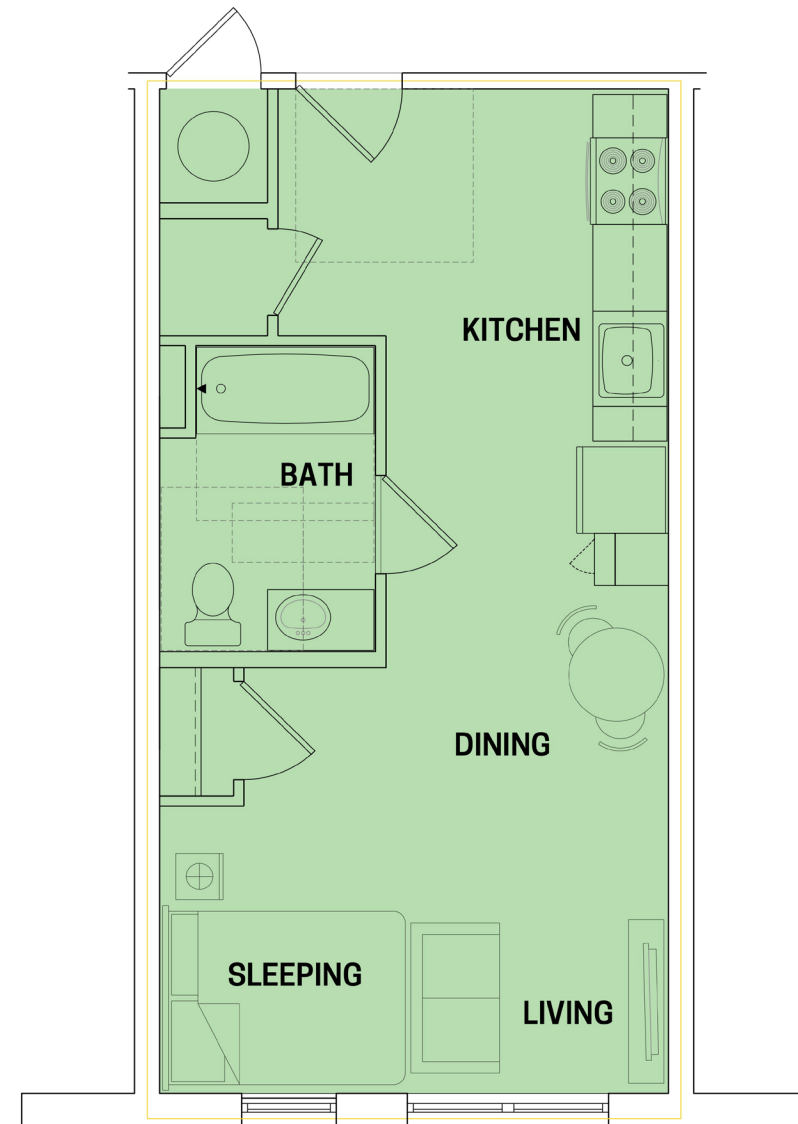
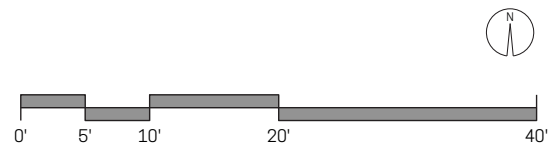
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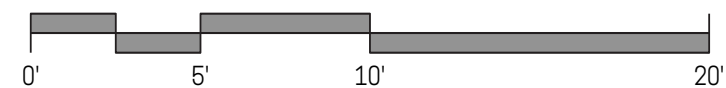




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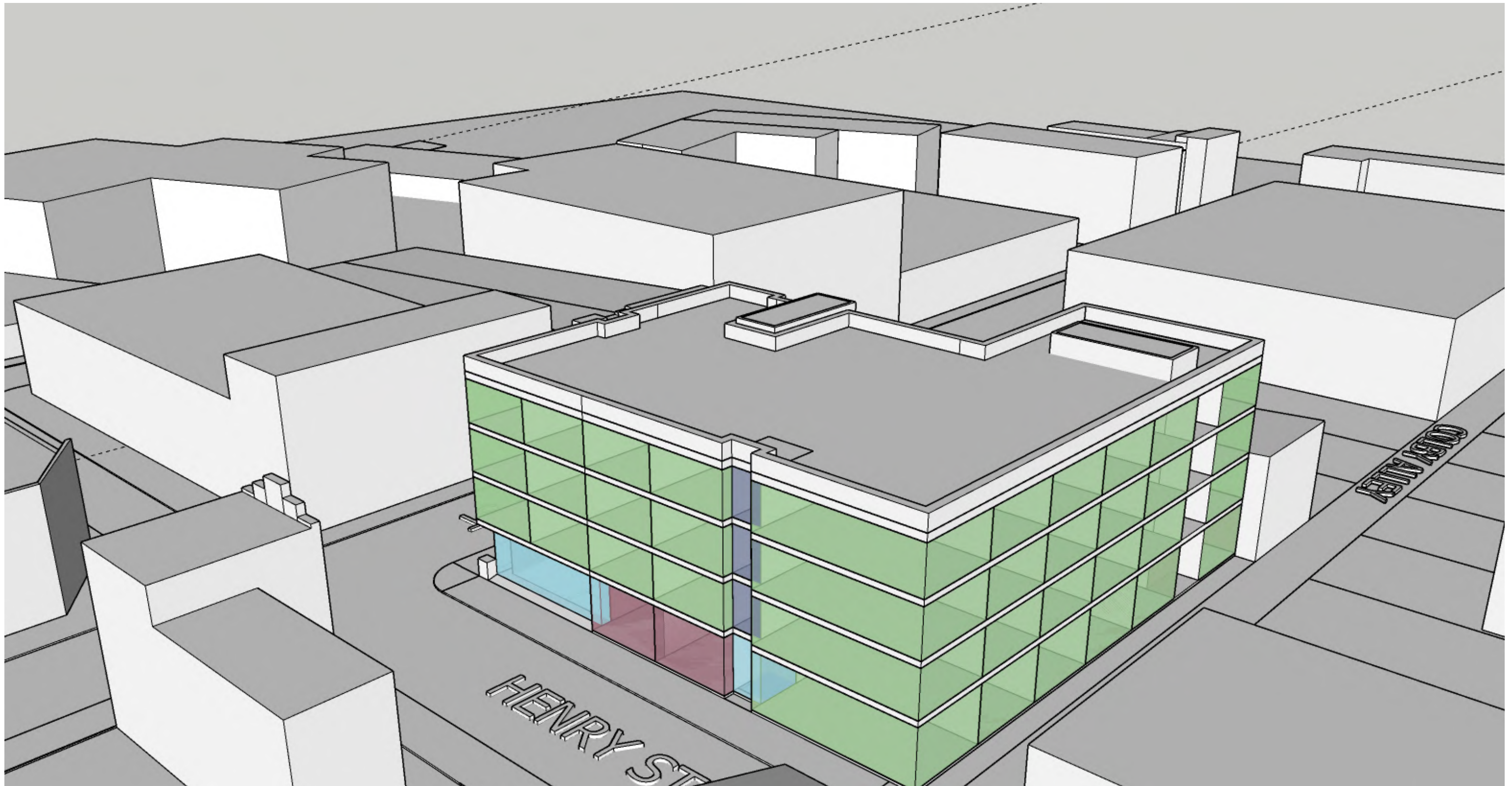
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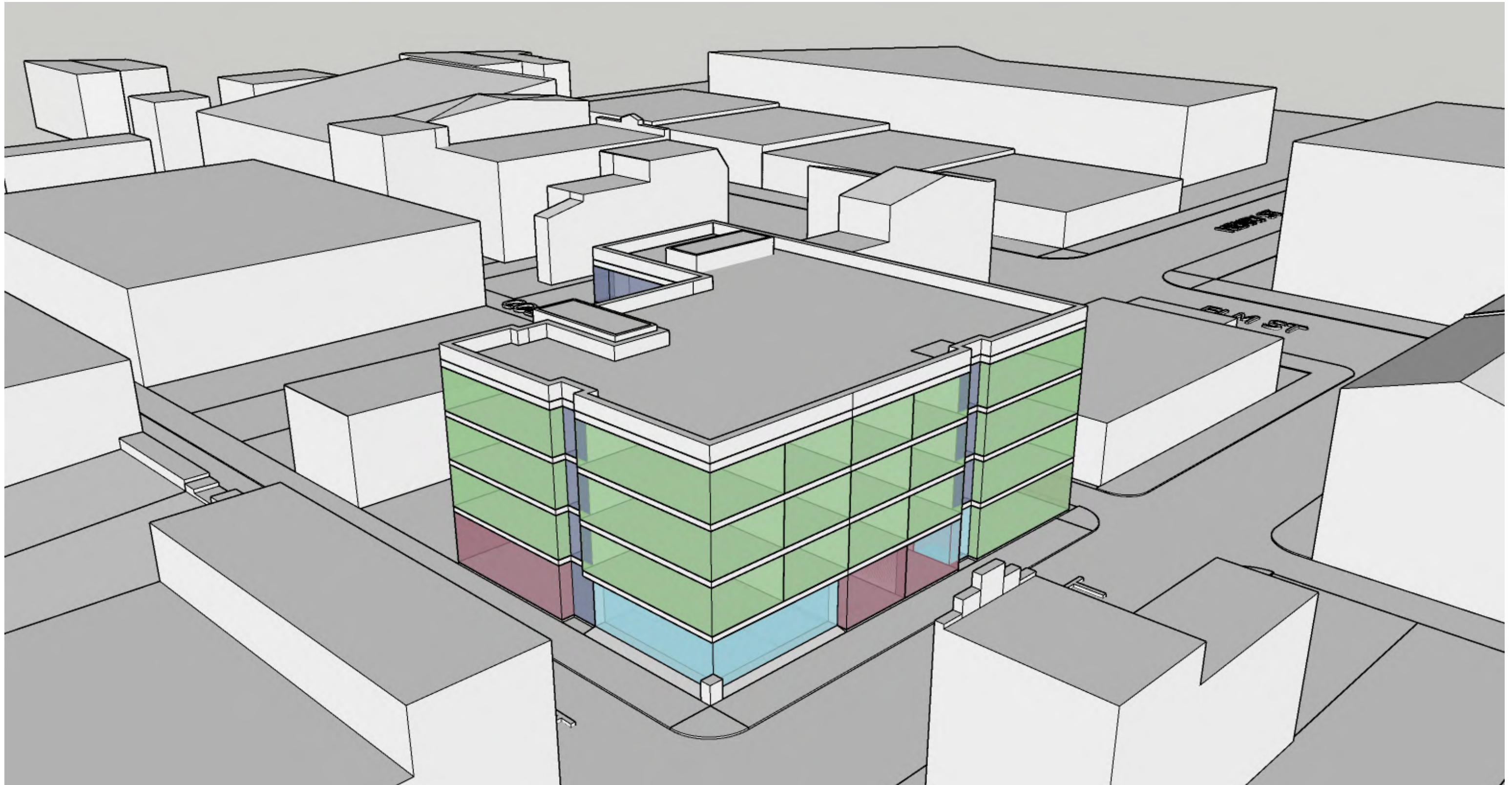
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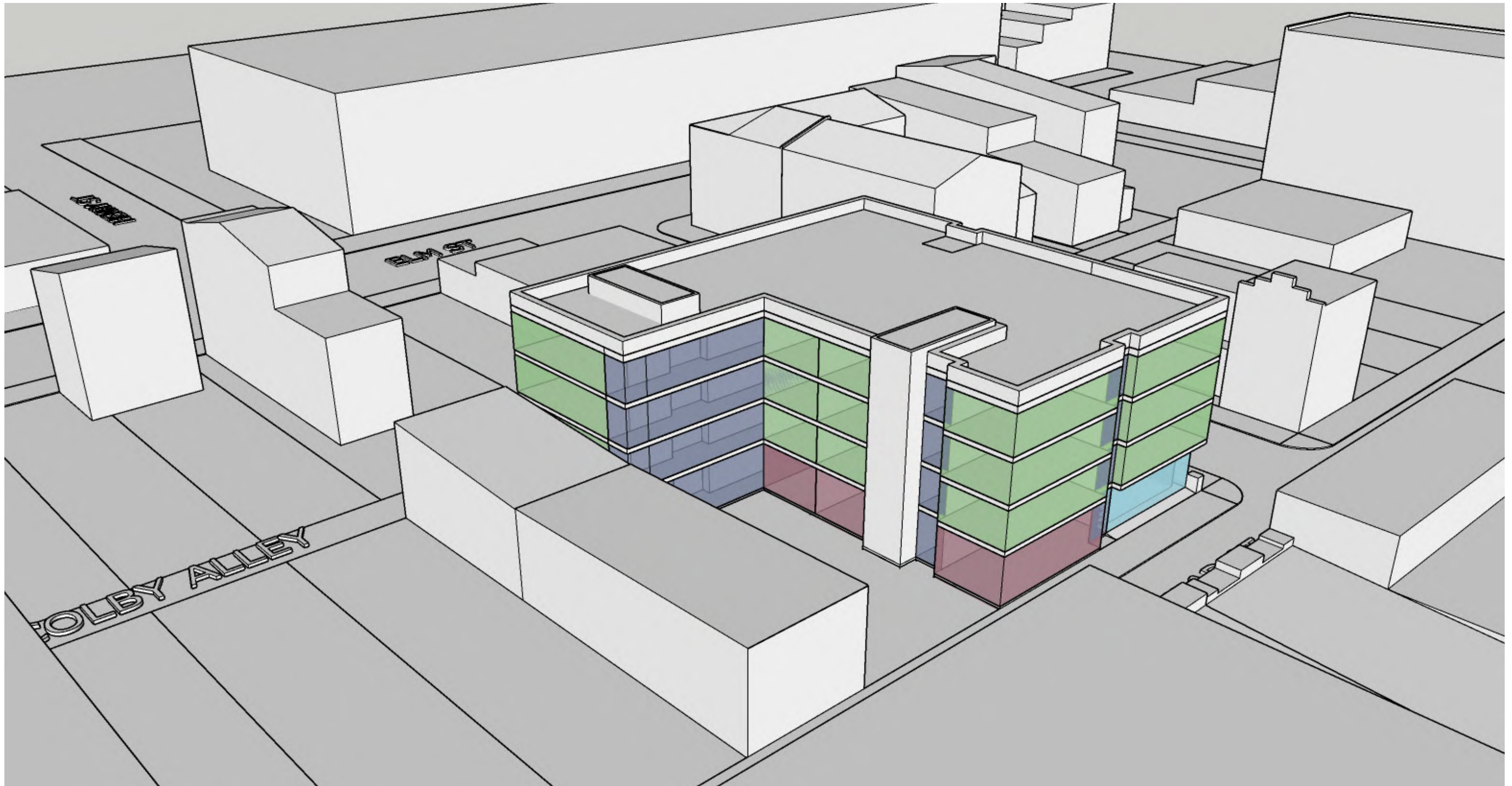
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CINCINNATI'S HISTORIC CONSERVATION OFFICE



Documents Required for

Historic Conservation Board Review

The Historic Conservation Office will provide this list with the required items checked off once an Adjudication/Denial letter is issued.

- ☐ 3 complete hard copies at the time of application.
- ☐ All drawings formatted to 11x17 or 12x18.
- ☐ Digital copy in PDF format provided on CD, USB drive, or emailed to beth.johnson@cincinnati-oh.gov
- ☐ Adjudication/Denial Letter and this checklist
- ☐ Certificate of Appropriateness Application Form
- ☐ A letter/narrative statement of intent and how the project meets the applicable Historic Conservation Guidelines
- ☐ Zoning Hearing Examiner Application Form
- ☐ A letter/narrative statement required in Section 6 of the Zoning Hearing Examiner Application
- ☐ The Hamilton County Auditors record or other documentation showing property ownership
- ☐ A letter/email of permission from owners, lease, contract to purchase or other agreement demonstrating the applicant or owner's legal basis to seek the COA or Zoning Relief
- ☐ A list of the applicants' witnesses and expert witnesses who you expect to testify at the hearing or legal counsel, if any
- ☐ 8 business days before the hearing date 10 hard copies and a digital copy in one pdf or for the final board packet. Drawings must be formatted and retain the proper scale in 11x17 or 12x18.
- ☐ Other Documents or information applicant wants to present for their case
- ☐ Non-Refundable Application Fee. Checks made payable to the City of Cincinnati. \$ 500 _____

All Drawings and Plans must include the following

- ☐ A graphic scale required on all drawings
- ☐ North arrows on all site, context and floor plans
- ☐ Elevations labeled with North, South, East West, front, side and rear labels
- ☐ Street names labeled
- ☐ Date and/or revision dates

Architectural Drawings and Plans

- ☐ An index of drawings located on the first sheet
- ☐ Context Map showing the building within at least a block of context
- ☐ Existing and proposed site plans including
 - Parcel/boundary lines
 - Building footprints and dimensions labeled
 - Setback dimensions from all property lines labeled
 - Existing and proposed principal and accessory buildings, including location, dimensions, and height labeled;
 - All properties and their structures immediately adjacent to the site
- ☐ Existing and proposed elevation drawings
 - Total Height from grade to top of the building
 - Total height- ASL (Above Sea Level)
 - Materials labeled
- ☐ Existing and proposed floor plans and roof plans (with chimney locations)
 - Residential and Commercial Spaces labeled. Residential Spaces must be numbered.
 - Square feet of commercial spaces listed

- Location of trash storage and Utilities
- ☐ Site section and/or Site elevations including any adjacent properties
- ☐ Driveways, sidewalks, walkways, terraces, and other paved surfaces
- ☐ Existing and proposed accessory structures, including walls, fences, porches, lighting, signs, and other site improvements;
- ☐ Existing and proposed landscape areas and materials, if proposed to be altered;
- ☐ Proposed materials, textures, and colors. Include Make, model and series for proposed materials
- ☐ Labeled photos of all sides of the building and a 1 block streetscape context in all directions
- ☐ Site line drawings for any roof additions.
- ☐ A color rendering, axonometric drawings and/or perspective of the proposed construction (required on infill projects)

Required if applicable to the project

- ☐ Historic Sanborn Maps of the site
- ☐ Window brochures and cut sheet
- ☐ Roof product information (brochure)
- ☐ Garage door brochures
- ☐ Sample materials or color samples. _____
- ☐ Fence drawings of style, fence brochures or photo of a sample fence
- ☐ Signs; drawings, photo showing the sign on the building, mounting info, materials, colors and illumination
- ☐ Mature tree removal requires a letter from an arborist stating its poor health
- ☐ All written correspondence submitted by the applicant and other affected persons
- ☐ Tentative project schedule
- ☐ Egress Plan/Route to Building Code Compliance (roof decks, multi-family developments)
- ☐ Massing diagrams showing proposed massing _____
- ☐ _____
- ☐ _____

Demolition (full or partial) for Historic Conservation Districts and Landmarks

- ☐ Demolition Case Sheet and all required information listed on the sheet unless otherwise not required by the Urban Conservator in writing and provided with application.
- ☐ Statement of plans for the property after demolition.

Hillside Overlay Zone (CZC § 1433)

- ☐ A development plan, accompanied by a property survey, showing existing vegetation and proposed development, and where applicable, streets, drives, parking areas, walkways, heights of structure(s), location of structures, elevation and setback of proposed buildings, drainage, existing contours and proposed grading and new landscaping plans, proposed uses and square footage of uses and recreational facilities;
- ☐ A preliminary geotechnical evaluation;
- ☐ A determination of the maximum building envelope;
- ☐ Average slope/grade of the property; and
- ☐ Graphic illustrations demonstrating that the proposed improvement or new structure has not exceeded the maximum building envelope

For additional questions contact Beth Johnson, Urban Conservator at 513-352-4848 or beth.johnson@cincinnati-oh.gov

Note: The aforementioned information is general in nature. Additional information may be required by the Urban Conservator once the application is submitted. Please use this list to plan for the potential documents that could be required for a submission.

Johnson, Beth

From: Ben Eilerman <beilerman@otrch.org>
Sent: Wednesday, January 12, 2022 4:10 PM
To: Johnson, Beth
Cc: Andy Hutzell; Mary B. Rivers
Subject: [External Email] 2000 Dunlap - HCB Community Outreach
Attachments: Dunlap PSH - CC meeting 12.13.2021.pdf; Dunlap PSH - CC meeting 1.04.2022.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

Beth –

I wanted to inform you of the community outreach we have performed regarding the application for 2000 Dunlap St. (COA2021066) and the request for zoning relief related to density and rear setbacks.

Below is a list of the outreach done to date:

- November 22, 2021 – Sent email to OTR Community Council President and informed him of the project and asked to present before Executive Board
- December 13, 2021 – Attended and Presented to OTR Comm. Council Executive Board of Trustees (presentation attached)
- January 4, 2022 – Attended and Presented to OTR Comm. Council Economic Development and Housing Committee (presentation attached)
- January 5, 2022 – Attended and Presented at HCB Staff Pre-Hearing
- January 10, 2022 – Attended and Answered Questions at OTR Comm. Council Executive Board of Trustees

In addition to the dates above we intend to continue community engagement throughout the design and massing of the project in advance of the future Certificate of Appropriateness application. We are working directly with the Community Council to schedule these and the tentative date for the first design charrette is March 1, 2022.

Should you have any questions or need any additional information please let me know.

Thanks,

Ben Eilerman

Senior Housing Developer

Over the Rhine Community Housing

o. (513) 381.1171 ext. 119

c. (859) 492.9620

114 W. 14th Street

Cincinnati, Ohio 45202

OTRCH

COMMUNITY HOUSING

Enabling a thriving, vibrant, diverse community
in Over-the-Rhine for over 40 years

Over-the-Rhine Community Council
Economic Development & Housing Committee
January 4, 2022

Housing First. Community Always.

Our Mission

We develop and manage resident-centered affordable housing to build inclusive community that benefit low-income residents.



Who do we Serve?

- Low-income residents of Cincinnati including seniors and low-wage essential workers
- Our community's most vulnerable residents



Project Timeline

Work to date:

- September 2021 – HUD issues guidance on use of American Rescue Plans funds, establishes Permanent Supportive Housing (PSH) as a priority.
- October 2021 - Call with partners to discuss need for additional PSH housing in OTR and funding opportunities through the American Rescue Plan.
- November 2021 - Site Investigations began, Dunlap Site identified, New Republic Architecture hired, Reached out to CC president about project.
- December 2021 - Feasibility studies produced and decision was made to move forward.
 - December 10th - HCB application submitted for January 24th meeting date
 - *** This is a request for Density and Setback relief only***
 - *** Additional approvals are required prior to full approval of the project ***
 - Last date to receive approval prior to OHFA application deadline of Feb. 10th
 - December 13th - Met with OTR Comm. Council Executive Board of Trustees
 - Late December – Outreach to neighboring property owners

Moving Forward:

- January - June 2022 – Historic Conservation Board Approvals
- February - May 2022 – Application to and Approvals from OHFA
- January – May 2022 – Community Engagement on Project Design
- Spring 2023 – Begin Construction
- Spring 2024 – Project Operational

2000 Dunlap



2000 Dunlap



DUNLAP + HENRY PSH

2000 DUNLAP ST
CINCINNATI, OH 45214

PERMANENT SUPPORTIVE HOUSING PROPOSAL

DECEMBER 7, 2021



2000 Dunlap



FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"

DUNLAP + HENRY PSH

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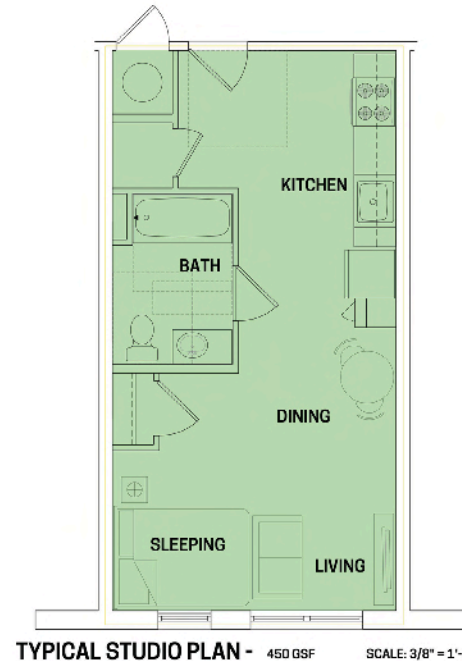


2000 Dunlap



TYPICAL FLOOR PLAN

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Total Units: 44

Basement Level-0

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Second Floor-13

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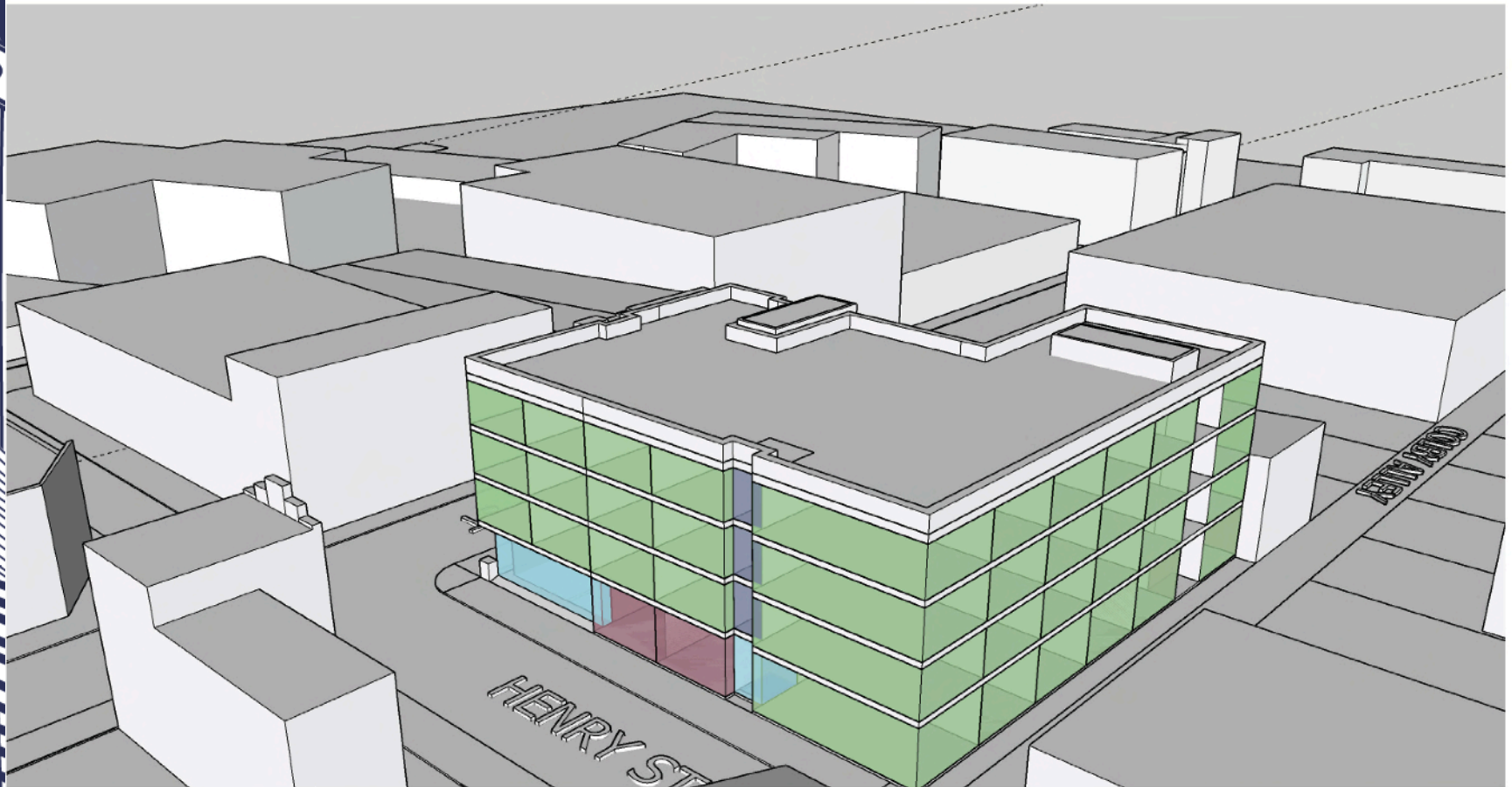
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Permanent Supportive Housing





Next Steps

- January 5th (tomorrow)- Historic Conservation Board – Staff Pre-Hearing
- January 10th – OTRCH attending Executive Committee meeting of Community Council
- January 24th, 3pm - Historic Conservation Board Hearing
 - Seeking approval for Density and Rear Yard Setback only at this meeting
- January 24th, 6pm – OTRCH attending Full Community Council Meeting
- February 10th - Low-Income Tax Credit Application due to Ohio Housing Finance Agency

Moving Forward:

- January – June 2022 – Historic Conservation Board Approvals
- January – May 2022 – Community Engagement on Project Design
- June 2022 – Historic Conservation Board Hearing for Certificate of Appropriateness
- Spring 2023 – Submit for Building Permits
- Spring 2023 – Begin Construction
- Spring 2024 – Project Operational

Thank you!

Over-the-Rhine Community Housing

114 W. 14th St.

Cincinnati, Ohio 45202

www.otrch.org

513-381-1171



OTRCH

COMMUNITY HOUSING

December 13, 2021

Housing First. Community Always.

Our Mission

We develop and manage resident-centered affordable housing to build inclusive community and benefit low-income residents.



Who do we serve?

Low-income residents of Over-the-Rhine

- On average residents earn less than 40% of area median income
- Residents work in nursing homes, hospitals, food service, public schools etc.

Our community's most vulnerable residents

- Seniors
- Individuals with disabilities
- Those struggling with addiction and recovery
- People who have experienced homelessness



Focus Areas

- Property Development
- Property Management
- Resident Services
- Education/Advocacy



Property Development

We develop new properties and rehabilitate existing buildings to provide high-quality, affordable options for residents and commercial tenants.





Why do CDCs engage in housing development?

- Market is not meeting the needs of the neighborhood or is not interested in developing in the neighborhood
 - Trying to improve/create a housing market
 - Lack of decent and safe affordable housing
 - Lack of housing for people with disabilities
 - Lack of housing for people experiencing homelessness or transitioning out of homelessness
- Most, if not all, of these will require subsidy, either on the development side or the ownership/rental side

Property Management

Our property management and maintenance team works to maintain our buildings, manage compliance, and respond to the housing needs of residents.



Resident Services

Our team of social workers provide supportive services so households successfully transition into housing and establish support systems so residents can retain their housing.



Resident Services Programs

- Children's Creative Corner
- Women of Over-the-Rhine
- Recovery Hotel
- Scattered Site PSH
- Case Management



Permanent Supportive Housing

Supportive housing is an innovative and proven solution to some of communities' toughest problems. It combines affordable housing with services that help people who face the most complex challenges to live with stability, autonomy and dignity.

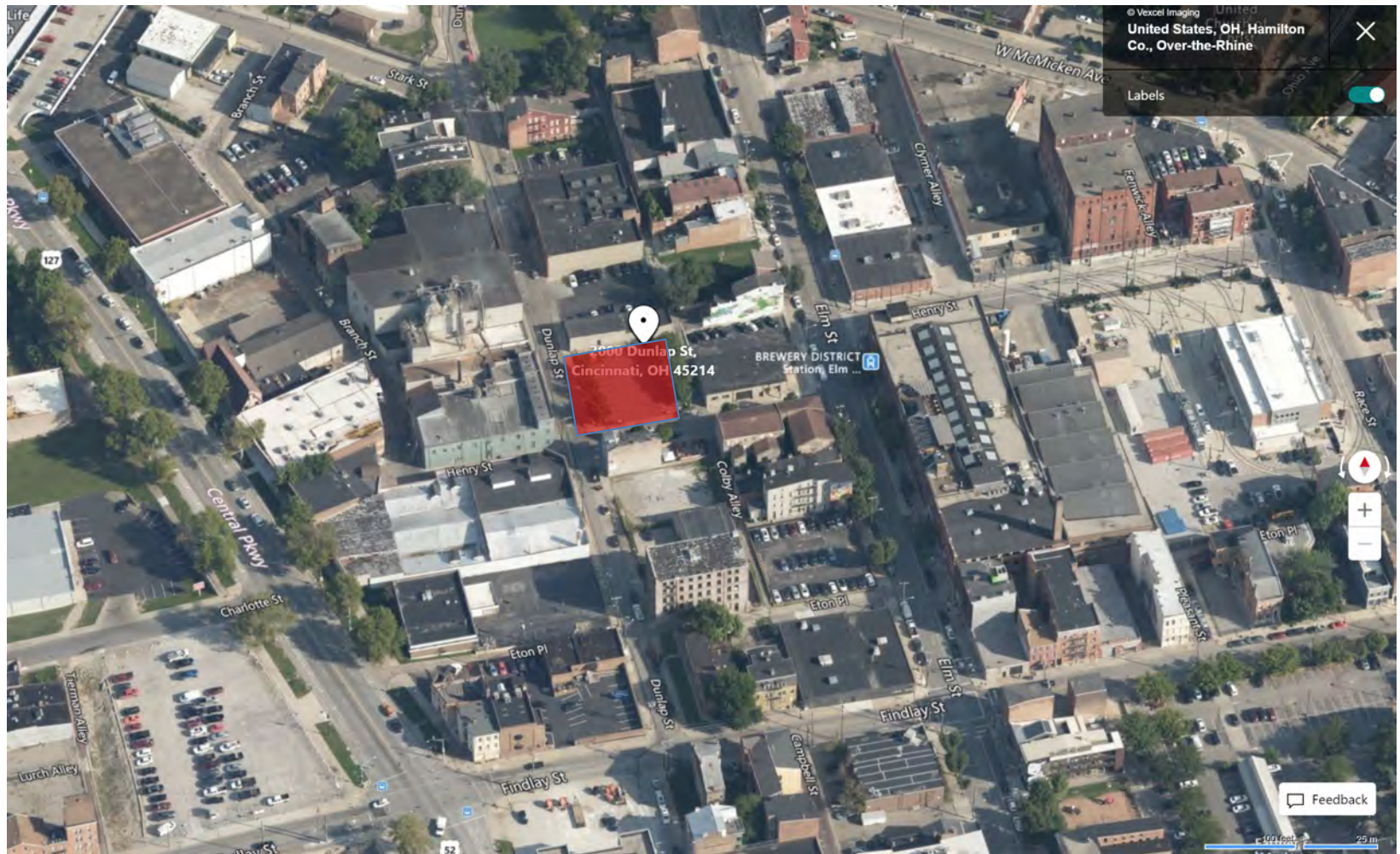
Corporation for Supportive Housing







2000 Dunlap



2000 Dunlap



DUNLAP + HENRY PSH

2000 DUNLAP ST
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PERMANENT SUPPORTIVE HOUSING PROPOSAL

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2000 Dunlap



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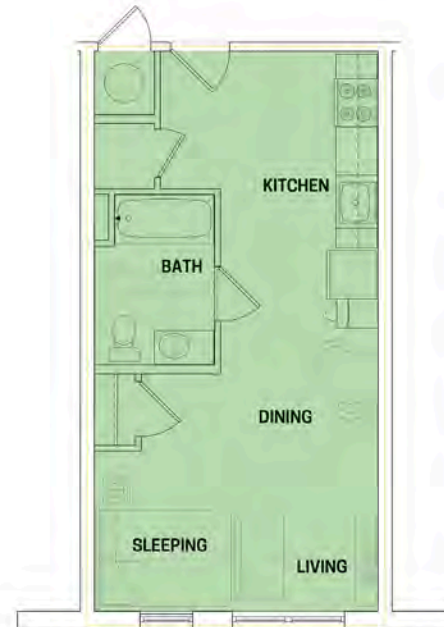


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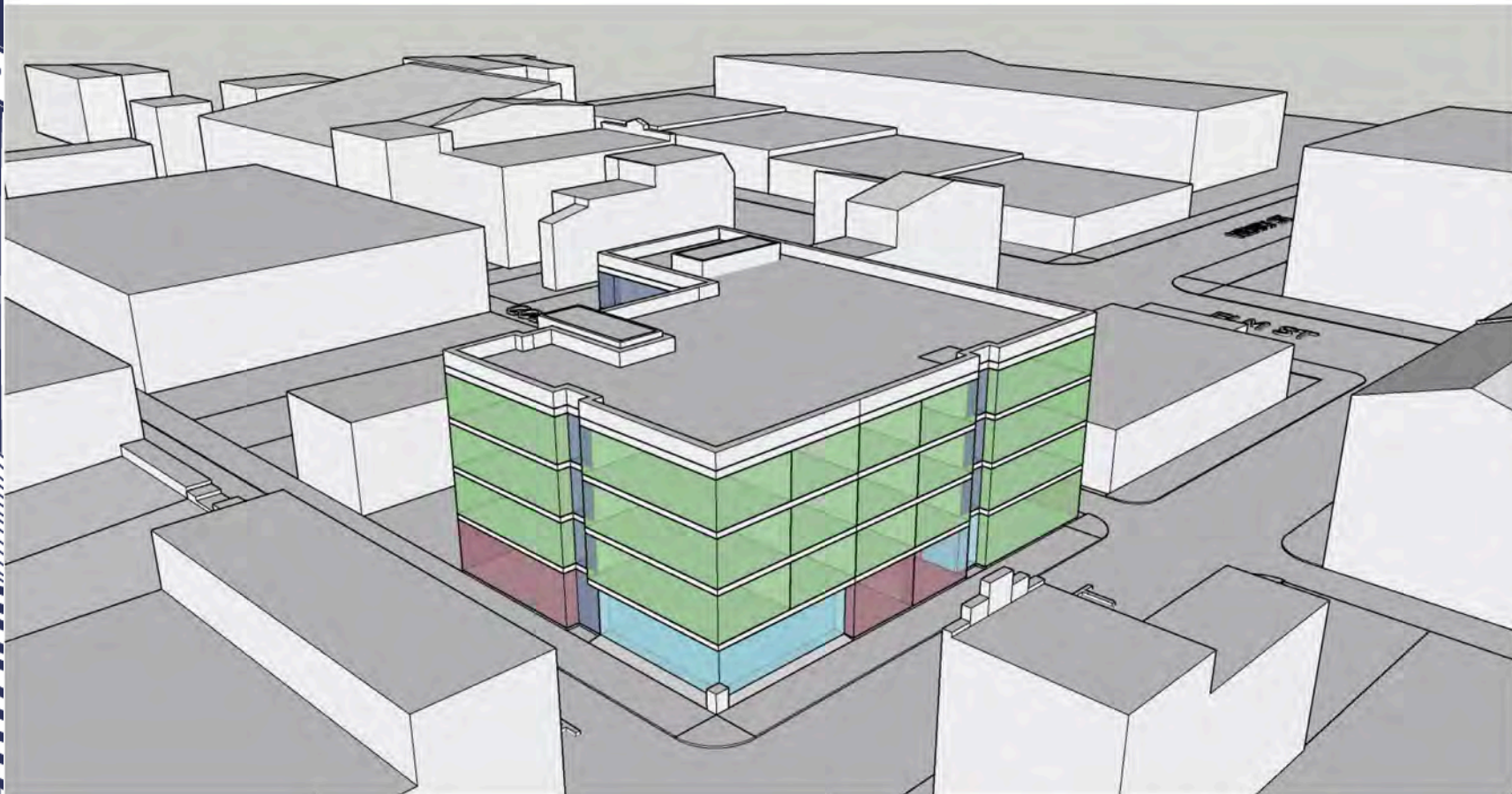
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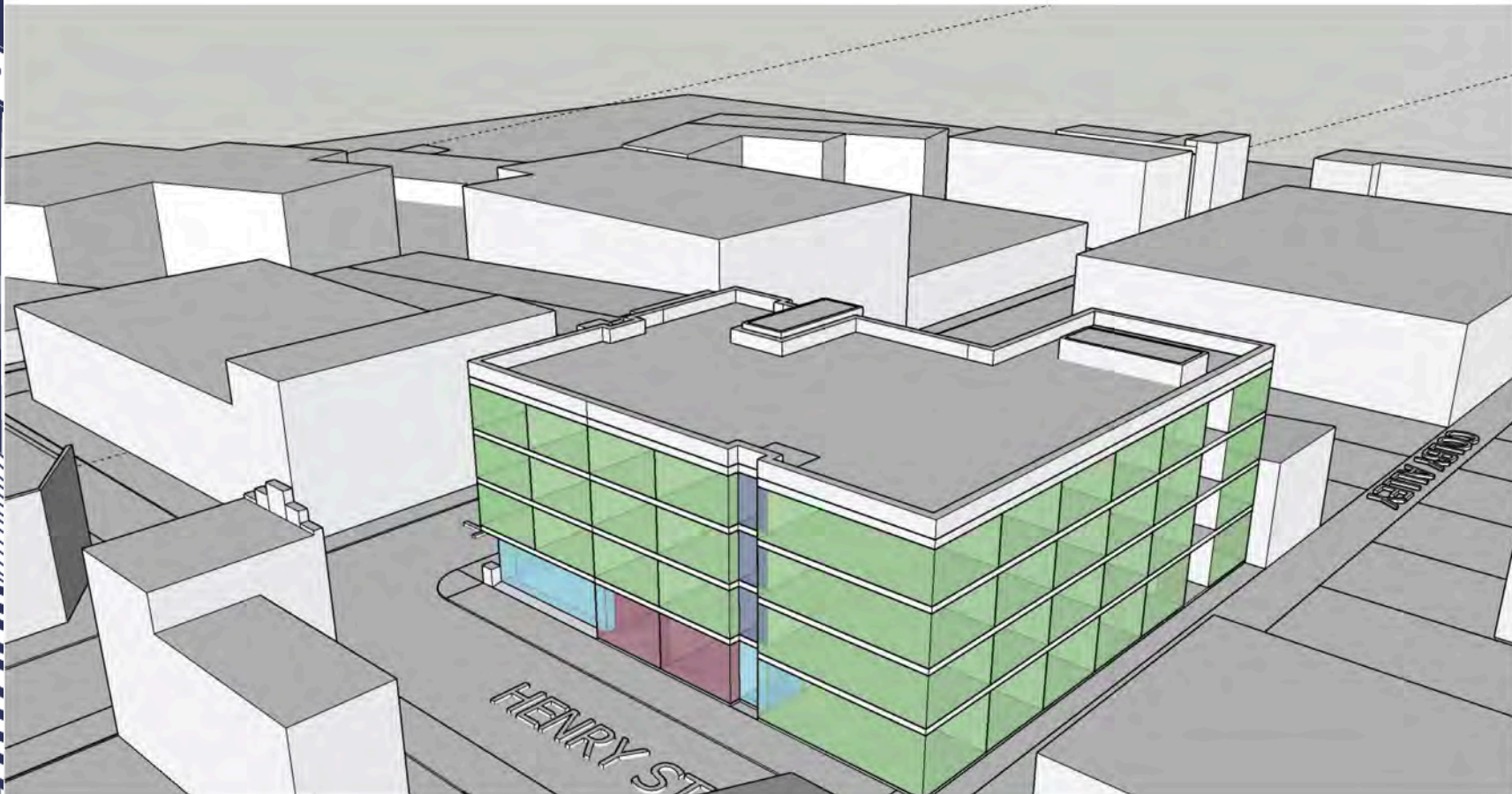
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DECEMBER 7, 2021



Thank you!

Over-the-Rhine Community Housing

114 W. 14th St.

Cincinnati, Ohio 45202

www.otrch.org

513-381-1171



From: [Robert Pickford](#)
Sent: Thursday, January 13, 2022 5:39 PM
To: [Johnson, Beth](#)
Cc: [Mary Burke Rivers](#)
Subject: [External Email] 2000 Dunlap Application for Zoning Variance -
Case Number: COA2021066

External Email Communication

Dear Ms. Johnson,

I am writing to express support for Over-the-Rhine Community Housing's request for a zoning variance for its project at 2000 Dunlap Street. That project will create forty-four permanently supportive housing units for some of the most chronically homeless members of our community. Since 2010, OTR Community Housing has successfully operated Jimmy Heath House at 219 Odeon Street, which serves the same population. The need for this type of housing is great and the Dunlap Street housing will help meet that need.

The variance requested and the structure proposed are consistent with the historic context of the surrounding environs. This fact is important to me. From 2002 to 2013, I served as President and CEO of the Corporation for Findlay Market and was engaged then with Findlay Market's and the Brewery District's neighborhood revitalization efforts. The past twenty years have seen great progress with preserving and revitalizing Over-the-Rhine. This project will contribute to that progress while also providing critically needed social services for the least privileged people in our city. Thank you sincerely for your consideration.

Respectfully,

Robert J. Pickford
513-675-7432 (cell)

From: [Nick DiNardo](#)
Sent: Wednesday, January 12, 2022 11:12 AM
To: [Johnson, Beth](#)
Subject: [External Email] 2000 Dunlap PSH Project, Case Number: COA2021066

External Email Communication

Beth Johnson
Urban Conservator
City of Cincinnati
RE: 2000 Dunlap PSH Project
Case Number: COA2021066

Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing to provide my enthusiastic support for the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44 unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness. I have proudly served on the board of Over-the-Rhine Community Housing for nearly 20 years. OTRCH is the premier nonprofit developer of affordable housing in our community. OTRCH not only develops high quality housing, but they provide supportive services to ensure that tenants are successful and that neighborhoods thrive. The City of Cincinnati is lucky to have such an accomplished partner in its stated goal to provide more affordable housing and end homelessness.

I have also served on an advisory committee for the Jimmy Heath House (JHH). JHH is a nationally recognized model for how to house and assist chronically homeless people. JHH gets people off of the streets, engages them with health care and other supportive services, and transforms lives, all while being a good neighbor to the surrounding neighborhood. I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site. This is a proven successful model. Duplication of this model at the Dunlap site will provide additional resources for people experiencing homelessness and will benefit our entire community.

Here is what our new Mayor said about affordable housing: "It is time for Cincinnati to commit to affordable housing in a serious way. My plan is informed by the people in our community and I will work with a broad coalition of community groups to actually get it done . . . As Mayor, I will ensure every Cincinnati has access to quality, safe, and affordable housing so we can build strong neighborhoods and great quality of life."

I would encourage you, members of the Historic Conservation Board, and any community members with concerns about this project, to take a tour of the Jimmy Heath House. Talk to the residents and staff. Talk to the neighbors. Take a look at the high quality construction and upkeep. Ask about the supportive services available. I predict that anyone with concerns would support 2000 Dunlap once they experience the success of JHH. This is how we end homelessness in our city, by replicating

successful models that increase the number of affordable units in our community and provide supportive services.

Please contact me if I can be of further assistance or if you need any additional information.

Nicholas DiNardo

Managing Attorney

Legal Aid Society of Southwest Ohio, LLC

215 E. 9th St. Suite 500

Cincinnati, OH 45202

513-362-2816 direct

513-241-9400 main

513-241-0047 fax

800-582-2682 toll free

The Legal Aid Society is a nonprofit law firm dedicated to reducing poverty and ensuring family stability through legal assistance.

--- CONFIDENTIALITY STATEMENT ---

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This E-mail has been scanned for viruses

From: [Mike Bootes](#)
Sent: Thursday, January 13, 2022 2:39 PM
To: [Johnson, Beth](#)
Subject: [External Email] COA2021066

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

Beth Johnson and the HCB board,

I am writing in support of the zoning variances requested for the proposed project at 2000 Dunlap St.

I am a board member of both OTR Community Housing and the Community Council, as well as an 18 year resident of OTR.

From an Historic District perspective both the increased density and the set-back variances are appropriate and consistent with the fabric of the community as well as the goals of the 2002 Comprehensive Plan under which zoning variance requests should be considered. The Community Council is in the final stages of assembling a study of census data which shows massive displacement of the Black residents of OTR as well as a declining population well below the density goals of the plan.

Programmatically, I can attest to the value to the community of the permanent supportive housing model as demonstrated by the unblemished successes of the Jimmy Heath House. There is every reason to suspect that this project will receive the support of the Community Council which has consistently advocated for affordable housing in OTR and the retention of our most vulnerable residents. The requested variances will allow the project to fit well in the community at an efficient scale for the services that will be offered.

Thank you for your consideration,

Mike Bootes
132 E. McMicken Ave.
Cincinnati, OH 45202
513 470-5168
bootes1947@gmail.com

From: Agostino Fede <agostino.fede@gmail.com>
Sent: Friday, January 14, 2022 5:06 PM
To: Johnson, Beth
Subject: [External Email] COA2021066. Jan 24 HCB Hearing. Opposition

External Email Communication

Beth

I am writing in opposition of the planned development at 2000 Dunlap St in reference above. Having invested and lived at 1908 Dunlap since 2005, I had the chance to experience a beautiful, productive development of this historic neighborhood. I do not believe this project goes in the right direction, is a first for the neighborhood and that it will create its own set of challenges for everyone.

First and foremost, we are not sure why a zoning relief for this requested density should be granted, nor a setback relief. It is a slap in the face of every homeowner and resident who have invested in the neighborhood and complied with the requirements to keep the character of the area intact.

Secondly, the nature of the project is wrong for the location. Permanent Supportive Housing (PSH) for transitioning homeless people into normal, productive life is a good thing, but not if located between a distillery/event space (Stillhouse) and a brewery (Rheingeist). This nightlife and party lifestyles present many temptations for PSH residents - many of them in recovery - who might ultimately fail at their re-insertion. We would all bear a responsibility by supporting this specific development at this location.

Lastly, we support a vibrant, historically-respectful and economically viable neighborhood development. We need residents that will have an active role in this and keep its current trajectory. As homeowners, it is in everyone's interest to see property value increase over time to create virtuous, economic growth. This project goes against that.

For all these reasons, we oppose this project and the request for zoning relief, and we kindly ask the HCB to do the same. Thanks for the consideration

Agostino FEDE
1908 Dunlap St #4
Cincinnati OH 45214
513-655-0280

From: [June Alexander](#)
Sent: Wednesday, January 12, 2022 4:16 PM
To: [Johnson, Beth](#)
Subject: [External Email] Dunlap PSH

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

Date:
January 12, 2022

Beth
Johnson
Urban
Conservator
City
of Cincinnati

Re:
2000 Dunlap Application for Zoning Variance
Case
Number: COA2021066.

Dear
Ms. Johnson and Member of the Historic Conservation Board,

I
am writing to support the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44 unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I
am a member of the Over-the-Rhine Community. I live at 1440 Pleasant Street..

I
am a neighbor of the Jimmy Heath House (JHH). I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

I
am not just a neighbor of the JHH, I became homeless because of an intervention on the behalf of a suspected abused child in North Carolina. I intervened and found myself in a situation where my life was threatened and I had to give up my Teaching Certification and go into hiding in different battered women's shelters winding up in Cincinnati. The only option for me was Tender Mercies. (Just imagine what that has done to my complex post traumatic stress).

Instead

of hating and blaming God; I got to know a lot of the other residents here at Tender Mercies and I discovered most of them were still suffering from unimaginable child abuse themselves. Do you understand the sorrow and grief when addiction and homelessness caused one of my friends to freeze to death?

When

I was raging about drug addiction, homelessness, and the insane apathy of people in this wealthy country, another resident said to me,
(Just be thankful you have your own addiction—the need to love.)

Yes,

I support this project of **love** because I believe in loving thy neighbor.

Simple

wisdom: "If you take care of **all** citizen's needs and concerns then you spend less time and money grieving and policing."

Sincerely,

June

P. Alexander

1440

Pleasant St.

From: [Janet Allen-Reid](#)
Sent: Monday, January 10, 2022 4:27 PM
To: [Johnson, Beth](#)
Subject: [External Email] Letter of support for Case Number: COA2021066

External Email Communication

01/10/2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing in support of the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44 unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I am a member of the Over-the-Rhine Community. I live at 1824 Elm St. #2. I have lived in OTR since 2014 and am very supportive of the work OTR Community Housing does for the community.

I am a neighbor of the Jimmy Heath House (JHH). I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

As a neighbor of JHH I can say it has turned out to be a well thought out solution responding to members of our community who need a home and support services.

Cincinnati City Council passed a resolution calling for a comprehensive strategy to respond to single homeless individuals. The Homeless to Homes Report (completed and submitted to council in spring 2009) recommended building Permanent Supportive Housing to house the long term homeless who have mental and addiction challenges. Building 44 units at 2000 Dunlap street would be a huge step in the right direction!
I support this zoning variance to continue to help the chronically homeless in our community.

Sincerely,

Janet Allen Reid
1824 Elm St. #2
Cincinnati, OH 45202
513-476-5084

From: [Bob Donovan](#)
Sent: Thursday, January 13, 2022 11:37 AM
To: [Johnson, Beth](#)
Cc: beilerman@otrch.org
Subject: [External Email] Letter of support for Dunlap project

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

January 13, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing to support the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I am a member of the Over-the-Rhine Community. I live at 1516 Elm St. #10.

I am a neighbor of the Jimmy Heath House (JHH). I've lived about a block away for over 20 years. I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

I have never found JHH residents to be a problem for me living so close.

Having worked for the Health Care for the Homeless Program for over 30 years, I fully understand the importance of Supportive Housing. Housing is critical for the care of people with great medical needs, in the model of JHH. The need is great.

I highly recommend this zoning variance.

Sincerely,

Robert Donovan, SM, MD
1516 Elm St. #10
Cincinnati, OH 45202

From: [Holly Brians Ragusa](#)
Sent: Thursday, January 13, 2022 2:02 PM
To: [Johnson, Beth](#)
Cc: [Mary B. Rivers](#); [Babe](#)
Subject: [External Email] Letter of Support RE: 2000 Dunlap PSH Project
Case Number: COA2021066

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

Hi Beth,
Happy New Year!
Be well,
Holly

January 13, 2022
Beth Johnson
Urban Conservator
City of Cincinnati
Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Member of the Historic Conservation Board, I hope this email finds you well.

I am writing this letter to express support for the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap.

The 44 unit permanent supportive housing project that they are proposing will provide housing for those experiencing chronic homelessness which especially now, mid pandemic with a homeless crisis in play and further looming, is a mandate we all must address.

I am a member of the Over-the-Rhine Community. My husband and I have lived in Over-the-Rhine for 7 years in the 1400 block of Race and now Elm St. and our now nearly grown children and my Mother live with us here.

Prior to moving to OTR, I dropped my daughter at SCPA each morning and picked her up each afternoon and have spent much time with arts organizations and in public spaces and businesses here, witnessing first hand the revitalization of Over-the-Rhine.

My experience is a privileged one, and we live without fear of our next meal or mortgage payment. I've seen Cincinnati regularly favor people in our position while overlooking those most vulnerable and in need of housing and services.

As close neighbors of the Jimmy Heath House (JHH) we have not had an instance for concern. I understand that the Dunlap PSH project will operate in the same professional and respectful way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site for those fortunate enough to secure housing there. This

type of project and the dignity afforded to our city's residents is exactly the model to follow and support.

Please consider the importance of a city's full landscape, its heart and it's future as you weigh this decision.

Sincerely,
Holly Brians Ragusa
1414 Elm Street 45202

--

Holly Brians Ragusa she/her [What's this?](#)

hbragusa.com

Hope you take the chance to make someone's day better.

Be well.

513.266.2892

hbragusa@gmail.com

From: [Vicky Leavitt](#)
Sent: Friday, January 14, 2022 2:18 PM
To: [Johnson, Beth](#)
Subject: [External Email] SUPPORT FOR 2000 Dunlap Zoning
Variance:COA2021066

External Email Communication

Dear Beth and Members of the Historic Conservation Board,

I am writing in support of the Over-the-Rhine Community Housing application for Zoning Variance for their project at 2000 Dunlap.

I understand that they are proposing a 44-unit permanent, supportive-housing project that will provide housing for those experiencing chronic homelessness. Additionally, I understand they will ultimately need to come back to the HCB for a Certificate of Appropriateness in terms of the specific building design.

There is a serious need for this type of housing for those who have experienced the personal trauma of chronic homelessness. Additionally, these members of our community have a myriad of medical needs that can only be addressed when their housing is both secured and includes additional support services.

I am a resident of Over-the-Rhine, as well as an active member of the OTR Community Council.

Thank you in advance for your support of this project in helping to deliver against this serious need in our community.

Best regards,
Victoria Leavitt

Victoria S. Leavitt
1514 Race Street, #3
Cincinnati, OH 45202

E vickyleavitt@gmail.com
M +1 614 824 0250

**Contact Center
1512 Elm Street First Fl
Cincinnati, Ohio 45202
513-996-0377**

ORGANIZING IS PEOPLE WORKING TOGETHER TO GET THINGS DONE

January 10, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

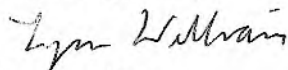
Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing on behalf of the Contact Center to express support for the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. We wholeheartedly support their plan for a 44-unit permanent housing project that is much needed to help individuals who are chronically homeless in our city.

Contact Center, an Over-the-Rhine membership based organization that advocates for human essentials including health care, food assistance, income security and housing, is a neighbor to the Jimmy Heath House. The 2000 Dunlap Project is similar to the Jimmy Heath House. We have already witnessed the tremendous support that the Jimmy Heath House has provided one of our Contact Center members who was chronically homeless, jobless and in medical need until he came to reside at the Jimmy Heath House. The Jimmy Heath House has helped him so much to turn his life around and receive the housing stability and medical attention he needed. We know that the Dunlap Project will assist individuals similar to him who are in need of this individual support.

Contact Center is committed to the belief that each human person deserves, dignity, respect and to have life's essentials to reach his/her/they's potential in life. Secure housing and medical care are crucial for all to have, but especially for those who lack these human essentials right in our own city! Please support the 2000 Dunlap Project.

Sincerely,



Lynn Williams
Staff Member,
Contact Center



January 11, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Members of the Historic Conservation Board,

I am writing to support the Over-the-Rhine Community Housing (OTRCH) application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

We, the Intercommunity Justice and Peace Center (IJPC), are a nonprofit in Over-the-Rhine that believes in supporting all of the residents of our community, especially the most vulnerable among us. We are grateful for the support OTRCH gives the community and know that housing, like the Jimmy Heath House (JHH), is meeting a critical need. I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

IJPC supports this project because we know systemic barriers to housing exacerbate the needs and vulnerabilities of people experiencing chronic homelessness. We hope you will support the necessary zoning changes to allow more people to have safe, supported housing as a critical step to have their needs met and an example of the values that we hold for all members of our Over-the-Rhine community.

Sincerely,

Allison Reynolds-Berry, MSW
Executive Director

215 E. Fourteenth Street, Cincinnati, OH 45202
phone: 513.579.854 website: IJPCcincinnati.org

IJPC Founding Sponsors: Congregation of St. Joseph, Sisters of Charity of Cincinnati, Sisters of Mercy, Sisters of Notre Dame de Namur, Sisters of St. Francis, Oldenburg. **IJPC Sponsors:** Anawim Community, Bellarmine Chapel, Cincinnati Friends Meeting, Cincinnati Mennonite Fellowship, Comboni Missionaries, Congregation of Divine Providence, Dominican Sisters of Hope, Franciscan Sisters of the Poor, Franciscans - St. John the Baptist Province, Glenmary Home Missioners, Hyde Park Community United Methodist Church, Mount Auburn Presbyterian Church, New Jerusalem Community, Sisters of Notre Dame of Covington, St. John Unitarian Universalist Church, Ursulines of Brown County, and Ursulines of Cincinnati.



January 14, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

RE: 2000 Dunlap PSH Project, Case Number: COA2021066

Ms. Johnson:

On behalf of our approximately sixty member organizations through the City of Cincinnati, I am writing in strong support of Over-the-Rhine Community Housing's (OTRCH) planned development at 2000 Dunlap. In the City of Cincinnati, we are short more than 28,000 affordable homes. As a result, thousands of Cincinnatians are either living in shelters, living outdoors or bouncing from couch to bridge, to car to couch, etc. This lack of affordable housing has continued for so long and had such a pervasive affect on peoples' lives, that eventually for many, their experience of homelessness becomes chronic and long lasting.

The experience of homelessness is traumatic and has long-term affects. In fact, it is estimated that homelessness decreases a person's lifespan by an average of fifteen years. In 2021, in our area, we had more than 152 people who died young because of homelessness. Their average age was 52. In the last decade, we know of more than 1000 people we have lost young to homelessness. These are just the people we know about.

The 44 new supportive housing units this project would create would spell the end of homelessness for the many people with disabilities, who would move through these housing units over the coming years. OTRCH is the ideal operator of this housing. They have extensive experience at operating supportive housing and paved the way locally for effectively providing supportive housing for individuals who have experienced homelessness for long periods of time. OTRCH is also well-experienced in implementing meaningful community engagement.

Over-the-Rhine is a neighborhood historically built for dense housing. Allowing OTRCH to develop 44 units of housing on this lot will not only provide life-saving housing, but it fits the historical design of this neighborhood.

We strongly implore yourself and the Historic Conservation Board to make the decisions that will make way for this needed housing to be developed.

Sincerely,

A handwritten signature in blue ink, appearing to read "JS", written over a horizontal line.

Josh Spring LSW
Executive Director
Greater Cincinnati Homeless Coalition

117 EAST 12TH STREET | CINCINNATI OH | 45202 | 513.421.7803 | CINCIHOMELESS.ORG

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January 13, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

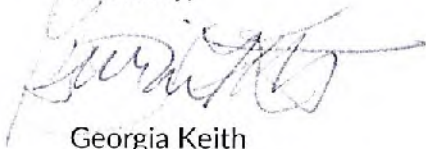
Dear Ms. Johnson and Member of the Historic Conservation Board,

I am a member of the Over-the-Rhine Community. I live in the 1400 block of Republic St. I have raised my family here. My husband and I have lived in Over-the-Rhine for over 50 years.

I am writing to support the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I have witnessed the revitalization of Over-the-Rhine and my experience has been that the city and others make many accommodations for the wealthier people moving in and to attract others while overlooking those in need of housing and services. I urge you to provide the zoning variance requested so that people who experience homelessness on our streets have access to housing and support.

Sincerely,

A handwritten signature in dark ink, appearing to read "Georgia Keith", with a stylized flourish extending to the right.

Georgia Keith
1423 Republic St.
Cincinnati, Ohio 45202

January 12, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066

Dear Ms. Johnson and Members of the Historic Conservation Board:

I am writing to support the Over-the-Rhine Community Housing application for a zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44 unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

I am a member of the Over-the-Rhine Community. I live at 214 W. 15th Street.

I am a neighbor of the Jimmy Heath House (JHH). I understand that the Dunlap PSH project will operate in the same way as the JHH providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

I have been living directly behind the JHH since April, 2018. I observe residents, employees, and volunteers coming and going from the JHH, and sometimes talk with them. The people living and working at JHH have been good neighbors. I am not aware of any violence or disturbance of the peace that has occurred at the JHH during the four years I have lived here. The residents of JHH do not solicit me for money. In fact, there have been no problems at all. I moved to Over-the-Rhine from the Pleasant Ridge neighborhood and was not familiar with permanent supportive housing until I moved here. I believe in dignified housing for the homeless and have learned that living next door to such a project is nothing to fear. Because the need for housing for the homeless is great, and the type of permanent supportive housing proposed for 2000 Dunlap has been successful at the JHH, I support the addition of a 44 unit project in my neighborhood.

Sincerely,

Marilyn J. Maag
214 W. 15th Street
Cincinnati, Ohio 45202



January 14, 2022
Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Members of the Historic Conservation Board,

We, at Peaslee Neighborhood Center, write to support the Over-the-Rhine Community Housing (OTRCH) application for a zoning variance for their project at 2000 Dunlap. We understand that they are proposing a 44-unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

Our organization has served the Over-the-Rhine community for more than 37 years, and we share a great deal of history and purpose with OTRCH. Their affordable housing development is absolutely essential to the wellbeing of our community, and their work represents a gold standard for equitable development in our city.

The Jimmy Heath House, which serves as a model for the Dunlap Permanent Supportive Housing project, is a tremendous asset to the city of Cincinnati. Our systems too often fail to meet the most basic needs of shelter and wellness for vulnerable Cincinnatians. The “housing first” approach of Jimmy Heath House is the kind of smart, compassionate, and comprehensive response that is so desperately needed. Given the opportunity to expand this kind of deep service to our community – especially given the track record of success with Jimmy Heath House – our City should offer its support without hesitation.

Speaking from Peaslee’s experience and knowledge of equitable development policy, we’d also like to emphasize that the housing units to be created by the Dunlap project are the most desperately needed and most difficult units to produce, even without the wrap-around services that will be included for residents. These units provide housing at price points where our city has massive deficits, and the zoning variance will maximize the number of units in a project serving extremely vulnerable individuals. If Cincinnati is to be an equitable city, projects like this must be a top priority.

Thank you for your time and consideration.

Jennifer Summers, Executive Director
Peaslee Neighborhood Center
215 E 14th Street
Cincinnati, OH 45202

January 13, 2022

Beth Johnson
Urban Conservator
City of Cincinnati
RE: 2000 Dunlap PSH Project
Case Number: COA2021066^[1]_[SEP]

Dear Ms. Johnson and Members of the Historic Conservation Board,

As a long time resident of Over-the-Rhine, and a resident board member of Over-the-Rhine Community Housing (OTRCH), I am writing to express my support of OTRCH's application for a zoning variance for 2000 Dunlap. The proposed 44-unit project for permanent supportive housing is a great need in our neighborhood for those experiencing chronic homelessness.

My home address, 10 W. 14th Street, is not that far from OTRCH's similar project called the Jimmy Heath House. In my work in the neighborhood I have brought many students to visit Jimmy Heath House to raise their awareness around issues facing our sisters and brothers. We have heard directly from David Elkins, JHH program coordinator, the progress made by the residents who live there because of the stable housing they now have and the broad array of services that surround them daily. I also witness on a daily basis many persons experiencing homelessness still living on our streets, so it's quite obvious that more affordable housing of this nature is desperately needed in our city. The density variance will allow more housing units to serve persons experiencing chronic homelessness. I want to live in a city where all people are housed with dignity and compassion. OTRCH has both the desire and experience working with residents who are vulnerable. The Housing First model is an appropriate and successful model. We need to do all in our power to support this project going forward.

Businesses and residents who will live near this project have a great opportunity to demonstrate love in action, rather than fear that keeps us separated from those we think are so different than ourselves. We have an opportunity to welcome those who have the hardest obstacles to find decent, safe, and affordable housing. The timing is right. The need is there, the funding is hopeful, and the request for a density variance is reasonable. I hope you will consider an affirmative vote for our request for a density variance.

Sincerely,



Bonnie Neumeier
bonsunflower@gmail.com
10 W. 14th Street #3
Cincinnati, OH 45202

Restoring Health, Transforming Lives

The mission of the Center for Respite Care is to provide quality, holistic medical care to homeless people who need a safe place to heal, while assisting them in breaking the cycle of homelessness.

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Robert Donovan, SM, MD
Physician
Services generously provided by Cincinnati Health Network

1615 Republic Street
Cincinnati, OH 45202

Mailing Address:
P.O. Box 141301
Cincinnati, OH 45250

Phone (513) 621-1868
Fax (513) 621-1872
www.centerforrespitcare.org

January 13, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Members of the Historic Conservation Board,

On behalf of the Center for Respite Care, I am writing to support the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44-unit permanent supportive housing (PSH) project that will provide housing for those experiencing chronic homelessness. I understand that the Dunlap PSH project will operate in the same way as the Jimmy Heath House, providing a single point of entry, 24/7 front desk staff, and the provision of support services on site.

The Center for Respite Care is a 24/7, 20 bed medical facility providing medical and case management to people experiencing homelessness and needing a place to recover after a stay in the hospital. The Center is located at 1615 Republic Street in Over-the-Rhine. As an agency in direct service to individuals experiencing homelessness in our community, the Center is well aware of the need for more housing and services like the proposed 2000 Dunlap project.

Sincerely,

Laurel D. Nelson
Chief Executive Officer

January 14, 2022

Beth Johnson
Urban Conservator
City of Cincinnati

Re: 2000 Dunlap Application for Zoning Variance
Case Number: COA2021066.

Dear Ms. Johnson and Member of the Historic Conservation Board,

I am writing to support the Over-the-Rhine Community Housing application for zoning variance for their project at 2000 Dunlap. I understand that they are proposing a 44 unit permanent supportive housing project that will provide housing for those experiencing chronic homelessness.

Strategies to End Homelessness leads a coordinated community effort to end homelessness in Greater Cincinnati. In addition, we oversee funding from the U.S Department of Housing and Urban Development's Continuum of Care for the Homeless Program for Hamilton County/Cincinnati.

For many years it has been a priority for the local Continuum of Care, made up of 20 different homeless serving organizations, to increase the number of permanent supportive housing units in Hamilton County. The need for these types of units is high and we support the development of the 44 units at 2000 Dunlap. This will help end chronic homelessness for many of our neighbors.

If you have any questions about our support, please contact me at 513-263-2788 or kfinn@end-homelessness.org.

Sincerely,



Kevin Finn
President & CEO



From: [Kenneth Klabunde](#)
Sent: Monday, January 3, 2022 4:08 PM
To: [Conservator, Urban](#)
Cc: [Rebecca Klabunde](#)
Subject: [External Email] 2000 Dunlap St Project

External Email Communication

Good afternoon, Beth.

My wife and I own the historic home at 2017 Elm Street. I am writing to let you know that we are deeply concerned about the zoning variances being requested for the proposed 2000 Dunlap St project in our neighborhood (nearly adjacent to our home).

We have diligently worked within the zoning and historic guidelines for our property, along with our neighboring friends and businesses. These zoning requirements are in place for excellent reasons and help to ensure a balanced, diverse, and thriving community for everyone.

The incredibly high unit density, along with minimal setbacks, being requested by this project does not appear to have the dignity and best interest of potential residents, or our community as a whole, in mind.

Please kindly consider our opposition to the approval of this project.

Sincerely,
Kenneth and Rebecca

Kenneth and Rebecca Klabunde

2017 Elm Street

Cincinnati, OH 45202

k.klabunde@gmail.com

rebecca.klabunde@gmail.com

317-432-1826 *Kenneth's cell*

317-849-2333 *Rebecca's cell*

From: [Zee Thomson](#)
Sent: Wednesday, December 29, 2021 3:23 PM
To: [Conservator, Urban](#)
Subject: [External Email] 2000 Dunlap St Proposal

External Email Communication

Beth,

My name is Zoraida 'Zee' Thomson and I've lived at 1908 Dunlap St, Unit 5 for over 13 years. I'm writing to state my disapproval of the proposed project at 2000 Dunlap St. The area has worked hard to get where it is now and this proposal would kill the current vibe.

Please reconsider approving this proposal for the good and continued growth and vibrancy of the neighborhood.

Sincerely,

Zee Thomson

[Sent from the all new AOL app for iOS](#)

From: johnwalter@cinci.rr.com
Sent: Monday, January 17, 2022 3:02 PM
To: [Johnson, Beth; urban.conservator@cincinnati-oh.gov/boards](mailto:Johnson,Beth;urban.conservator@cincinnati-oh.gov/boards)
Subject: [External Email] 2000 Dunlap Street Project Input
Attachments: [Dunlap and Henry Parking Lot- 1-15-22 mid-afternoon.jpg](#)
[Dunlap Parking 1-15-2022 mid-afternoon.jpg](#)

Follow Up Flag: Follow up
Flag Status: Flagged

External Email Communication

To whom it may concern-

I moved to and invested in OTR in 1984 and still live and run my business in the Mohawk area of OTR. I have provided leadership to a loose knit group of Mohawk neighbors referred to as the Klotter Conroy Residents Association over the past 30 years. The last decade has been very encouraging as multiple business establishments have located north of Findlay Market on Elm and West McMicken bringing vibrancy and increased public safety to Mohawk. Access to parking has been key to the success of these businesses since most of their customer base drives in from outside of OTR. The 20-car parking lot that will be eliminated by this project and the added unknown number of cars owned by the residents of 2000 Dunlap will decimate the available parking for patrons of these Mohawk businesses and Mohawk residents.

Referencing Page 2 of the Zoning Letter under "Blight", the applicant says this proposed building will eliminate blight and refers to the newly done, nicely landscaped and lit parking lot a source of blight. This in my opinion is intellectually dishonest and couldn't be further from the truth. The attached picture was taken mid-day 1-15-22 of the parking lot full of patrons of the Mohawk businesses. It is important to note that a paid parking lot turns over frequently during a busy weekend day. The 20 spots equate to some multiple of 20 in terms of Mohawk business patrons. The second attached picture shows Dunlap at the same time with no available parking spots all the way up to West McMicken. The availability of parking gets much worse during Rhinegeist and Findlay Market events and in the warmer season.

Please take the parking issue into consideration when ruling on this project. I have also signed the Dunlap Neighbors letter opposing the 2000 Dunlap project.

Thank you for your consideration,
John Walter
Klotter Properties
524 Conroy Street
Cincinnati, Ohio 45214
513-519-9551

From: [Evan Cummins](#)
Sent: Wednesday, December 22, 2021 2:24 PM
To: [Johnson, Beth](#)
Subject: [External Email] 2000 Dunlap Street Proposed Zoning Relief

External Email Communication

Hi Beth,

I'm writing in regards to the proposed zoning relief for 2000 Dunlap Street, Cincinnati Ohio. I have a number of areas of concern in regards to how this building will fit in to the historical context of the surrounding neighborhood, but most specifically, as the owner of 2032 Dunlap Street, I am concerned about the overall height of the building. None of the buildings on Dunlap street are the same height as this building and while they may be 4 stories, the fourth story is often an attic area with small windows (not a full story). The majority of the buildings are 2-3 stories. When I purchased and had my house renovated, I built a rooftop deck to see the surrounding historic neighborhood. If this building were to be built in its current form, it would block any views I have and would block the nice views I have now (already adding to the dreary view of the building across the street). While they have proposed that this would not do any harm to property values, this would certainly harm my property value. I am the first person to have bought a historic home (post-renovation) on Dunlap street and would like to see this trend continue, but am afraid that if buildings that do not fit the architectural spirit of the neighborhood are allowed in, it will decrease property values and discourage further conservation and revitalization efforts.

Additionally, parking is already major issue on the street given the increase in popularity of current bars and the addition of e-19 and OTR Stillhouse. Our street is unique in that it has many commercial businesses so there are semis on the street constantly. The removal of this parking lot would further congest parking, and potentially add congestion from residents or friends of residents. Add on top of this the increased traffic from the FCC Stadium and our street has nearly become undrivable on the weekends (which is a significant change from when I moved here 2 years ago).

I am not against the spirit of this project, I just think the proposed project as it currently stands will have an adverse impact on a neighborhood and street that are still currently struggling to revitalize.

Thank you for your consideration.

Thanks,
Evan Cummins

2031 Dunlap Street
Cincinnati, Ohio 45214

From: czeetom@aol.com
Sent: Tuesday, December 28, 2021 8:56 PM
To: [Conservator, Urban](#)
Subject: [External Email] 2000 Dunlap Street, OTR - Proposal to Build 44-Unit Dwelling

External Email Communication

To Whom It May Concern,

It recently came to the attention of my wife and I that there is a proposal to build a 4-storey, 44-unit structure, on the site at 2000 Dunlap Street. We have lived at 1908 Dunlap Street since 2008 and do not believe this is the right location for such a project. We plan to oppose the project at each and every opportunity.

Respectfully,

Chris Thomson
City Lofts on Dunlap
Unit 5
1908 Dunlap Street
Cincinnati, OH 45214

From: edenpk2@aol.com
Sent: Thursday, December 30, 2021 1:42 PM
To: [Johnson, Beth](#)
Subject: [External Email] Dunlap new construction with no parking

External Email Communication

In my view point there are many other alternatives that would provide more bang for the buck. The need for low income housing is huge. I do not think the density is good for anyone. Parking is already a challenge.

Eden Park Realtors
Karen Domine Broker
513 281-7888 476-6739

From: [Steven Fink](#)
Sent: Friday, January 14, 2022 2:45 PM
To: [Johnson, Beth](#)
Subject: [External Email] Dunlap Street

External Email Communication

Hi Beth,

My name is Steven Fink and I have a condo at 1908 Dunlap Street. I purchased it in 2019 and have been remodeling since that time, and it is finally finished. I have lived in Clifton for 15 years, and own a business that is located on Central Parkway (right in front of the FCC Stadium). I wanted to have a downtown place of residence because of all the excitement happening in the area. I chose Dunlap Street for my condo because it is close to lots of entertainment, like Findlay Market and Reingeist. I feel safe walking with my kids and wife around that area. Now, with the news about 2000 Dunlap Street, I am getting very concerned about the future. I have lived in big cities, like Philadelphia, and have first hand understanding what happens with homeless shelters open on a street where people reside. The streets become dangerous, and mentally ill people walk the streets during the day, and are unpredictable related to violence and actions. I was really hoping that Dunlap, which is already transitional, was going to only bring in more businesses and living that was in line with the economic growth of OTR. I have personally invested a lot in my condo, with the anticipation that the close proximity was going to offer even better things, and not a homeless shelter of 44 beds that is zoned for 14. I have friends who were considering living close to me, who also own businesses and would help make that street and area more tourist friendly. Overall, a homeless shelter like this one will deter this growth. There must be other areas that are not so close to residences like 1908 Dunlap and entertainment that are better fits for this shelter? I'm not expert on zoning, etc., but I am just a professional person who wants to see this city grow and become more beautiful and pleasant - that is why I own 1415 Central Parkway, and purchased 1908 Dunlap Street #2 - to enjoy the expansion of OTR and the positives of Cincinnati. The plans for 2000 Dunlap Street will certainly set me back, and others who want that area to be safe, pedestrian friendly, and a place to walk with your family and friends.

Thanks,

Steven Fink
Bang Zoom Design, Ltd.
1415 Central Parkway
Cincinnati, OH 45214

work: 513-487-4583
cell: 513-477-9527
email: sfink@bangzoomdesign.com
skype: bzfink

website: www.bangzoomdesign.com

From: [Mikey Sorboro](#)
Sent: Tuesday, January 18, 2022 1:13 PM
To: [Johnson, Beth](#)
Cc: [Bryce Ungerott](#)
Subject: [External Email] Opposition to OTR Community Housing Project

External Email Communication

Beth,

I'd like to add our name and business to the opposition of the New Republic Community Housing Project that is being proposed in OTR. As property and business owners, we share the belief that our business and property value will be very negatively affected. We are not opposed to affordable housing, but this project, as proposed will not benefit the area, nor it's residents, business owners or property owners.

Thank you for reading and let me know if I can share my opposition in any other way.

Mikey Sorboro

Chief Experience Officer

LNS Restaurant Group

Mikey's Late Night Slice/Oddfellows Liquor Bar/Sacred Palm/High Horse Vegan Pizza



From: [Jeffrey Luggen](#)
Sent: Tuesday, January 4, 2022 3:35 PM
To: [Johnson, Beth](#)
Subject: [External Email] Project at 2000 Dunlap St.

External Email Communication

Dear Ms. Johnson,

I am writing this letter in strong opposition to the proposed Over the Rhine Community Housing Project at 2000 Dunlap St.

I work at Cincinnati Industrial Auctioneers at 2020 Dunlap St., I also purchased 2037 Elm. St. in 2018 with the plans to rehab the property and make it my home. I had architectural drawings made and planned to invest more than \$750,000 in the property. While I have hit some snags due to the COVID-19 Pandemic and increased material and construction costs I still have hopes to someday move forward. I likely will not move forward if this project is approved. Here are some of my reasons for opposing this project.

- **Parking** - The project calls for only (2) parking spaces, where are the residents, their visitors, facility employees and service providers going to park? Parking in the area is already stressed and Emmert Grain has constant truck traffic, this will only further decline the situation.
- **Zero lot line** – I have several issues with this.
 - There is no outdoor space for the residents, are they supposed to spend all of their time inside?
 - The building is designed to be built all the way back to Colby Alley, this will limit access up the alley, not only for individual use but for contractors and emergency vehicles.
- **Density** – Again, several issues.
 - The letter from the architect says this will create (3) full time jobs, how is this sufficient to manage a facility of this size 24/7?
 - Dunlap is already a busy street, with trucks and employees of Emmert Grain and Cincinnati Industrial Auctioneers, the condos at 1920 and the apartments at 2027/2029 it will strain a traffic zone that is already difficult to navigate.
 - Each of the 44 units are supposed to be about 450 Sq. Ft. is this appropriate enough space for a person to live, especially with no outdoor leisure space?
- **Appearance** – This is a modern building will stick out like a sore thumb amongst the historically preserved buildings of the Brewery District.
- **Neighborhood** – Due to the proximity to Findlay Market and Rhinegeist this neighborhood has become an entertainment/commercial area more so than residential.

Thank you for your time, please consider my concerns above when ruling on this project, feel free to contact me via email or phone.

Regards,

Jeffrey M. Luggen

Contact: 513-708-9071, Jeffrey.Michael23@gmail.com

Employee: 2020 Dunlap St.

Property Owner: 2037 Elm St.

From: [Gregory Wilson](#)
Sent: Saturday, January 8, 2022 8:26 AM
To: [Johnson, Beth](#)
Subject: [External Email] Re: 2000 Dunlap

External Email Communication

Beth: I am not an adjacent property owner, but i have been contacted two times regarding joining objections to approval of this project prior to additional vetting taking place. There must be something to this although I do not do this type of work so I have no expertise.

I am familiar with the site and I must say it does not look appropriate for a zero lot line high density residential project.

I can't attend the meeting but I wanted to express my feelings about this. I would suggest additional study and neighborhood dialogue take place before approval.

Best regards,

Greg

Gregory R. Wilson Co.

Attorney at Law
1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*
wilson1010@aol.com

-----Original Message-----

From: Gregory Wilson <wilson1010@aol.com>
To: beth.johnson@cincinnati-oh.gov <beth.johnson@cincinnati-oh.gov>
Sent: Thu, Dec 16, 2021 9:28 am
Subject: Re: [External Email] Request for Application Packet Filed by Others

Thanks so much!!!!

Greg

Gregory R. Wilson Co.

Attorney at Law
1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*
wilson1010@aol.com

-----Original Message-----

From: Johnson, Beth <beth.johnson@cincinnati-oh.gov>
To: Gregory Wilson <wilson1010@aol.com>
Sent: Thu, Dec 16, 2021 8:50 am
Subject: RE: [External Email] Request for Application Packet Filed by Others

Greg,

I have attached the application. The applicants at this time are only seeking zoning relief. While a massing model is included for reference, a Certificate of Appropriateness which would include the height and massing is not being requested.

Let me know if you have any questions.

Beth Johnson, AICP | Urban Conservator
City of Cincinnati | City Planning and Engagement Department
Permit Center | 805 Central Avenue | Cincinnati, OH 45202
513-352-4848 (p) | 513-352-2378 (f) | beth.johnson@cincinnati-oh.gov | [Website](#)



Effective October 3, 2021, the Zoning Division will be relocated to the City Planning and Engagement Department on the 7th floor, Centennial II, 805 Central Avenue. The Permit Center in the Department of Buildings & Inspections (B&I) will continue to coordinate all building permit, Zoning Verification Letter, Certificate of Appropriateness, and Zoning Certificate of Compliance applications. We ask that all permit applications be received at the Permit Center, or by mail be submitted with **4 sets of plans**.

Our online permits services remain the best way to have your permit processed. We **encourage** you to submit your application by using [Electronic Plan Submission](#) (**which will eliminate 4 sets of plans**), online application (plumbing and HVAC) or by mail, 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202. For questions about applications, please contact Customer Service at (513) 352-3271, opt. 9.

From: Gregory Wilson <wilson1010@aol.com>
Sent: Thursday, December 16, 2021 8:22 AM
To: Johnson, Beth <beth.johnson@cincinnati-oh.gov>
Subject: [External Email] Request for Application Packet Filed by Others

External Email Communication

Hi Beth:

Have a nice vacation!

Please answer one question before you sign out.

I'd like to obtain a copy of the application packet for the submittal regarding 2000 Dunlap St. which is noticed for pre hearing on 1/5/2022. How do I go about that in your absence?

Thank you very much and have a nice Holiday.

Greg

Gregory R. Wilson Co.

Attorney at Law
1411 Sycamore Street
Cincinnati, Ohio 45202
(513) 352-5858
Fax (513) 823-2891*
wilson1010@aol.com



Jeffrey M. Nye
jmn@sspfirm.com

Direct dial: 513.533.6714
Direct fax: 513.533.2999

January 18, 2022

Historic Conservation Board
Two Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Case no. COA2021066 – Variances at 2000 Dunlap Street

Dear Board Members:

I represent the F.L. Emmert Company, which opposes the variance requests in this case.

We wish to emphasize at the outset that Emmert does *not* oppose the variances based on the nature of the proposed use (namely, permanent supportive housing). Emmert values the diversity of its neighborhood and views the varied nearby uses as a community asset. Instead, Emmert's concerns are based on the practical problems that the project is likely to cause if approved in its current form.

Emmert is a manufacturer and distributor of animal feed materials and products, supplying pet food and livestock feed companies all over the world. It has operated in Cincinnati since 1881, and has operated in its current location at 2007 Dunlap Street—in five buildings immediately to the west of the subject site—since 1907. Emmert also owns and uses a parcel slightly north of the subject site on the same side of Dunlap as the subject, and leases warehouse space in the building at the southwest corner of the Dunlap & Henry intersection (i.e., diagonal to the subject). An annotated aerial view of the site is attached to this letter.

To the best of Emmert's knowledge, it has operated continuously in this neighborhood longer than any other business. And because of its location, Emmert is the single most likely person or entity to be directly affected by the proposed development.

The nature of Emmert's business means that it both receives and ships large quantities of feed materials in bulk. All or nearly all of those materials are delivered or shipped out in or on grain hoppers, large tank trucks, or other types of tractor trailers, which access Emmert's production facility via Dunlap Street. In fact, a tractor trailer is visible on Dunlap in the Google Maps aerial view of the subject site (attached for reference). As many as twenty such trucks come into or out of Emmert's facility each day.

In addition to the truck traffic along its Dunlap Street production facility, Emmert leases warehouse space at the southwest corner of the Dunlap & Henry intersection. Materials and products are regularly moved between those buildings throughout the day, including along both Dunlap and Henry, via forklifts.

These trucks and forklifts that use Dunlap and Henry are essential to Emmert's business. Emmert is extremely concerned that granting the requested variances—which seek to more than triple the number of permitted units, and to allow lot-line-to-lot-line construction—will interfere with its business operations, and pose safety risks to its employees, construction contractors, and residents of the proposed development. (Again, to be clear—when we speak of “safety risks,” we mean the risks associated with the heavy equipment active in the area. Emmert does *not* have concerns about the nature of the proposed use.)

Dunlap and Henry are each only about 25 feet wide. Not only will a triple-density, lot-line-to-lot-line development produce construction *traffic* on these streets, but also there is a substantial risk that it will require the *closure* of the streets. The added density increases the need for construction activities such as excavation, cement pours, and hoisting with cranes, and the absence of a setback means that activities that normally would occur from within the lot line may have to be performed from the street. Any closure of Dunlap or Henry—even partial, and even temporary—would have a drastic effect on Emmert, whose operations depend on Dunlap and Henry being navigable, and proximity of large construction equipment to forklifts and truck traffic is an accident waiting to happen.

This concern is exacerbated by the fact that the proposed development would reduce available parking. Contrary to the application's statement that the subject site is currently vacant, the site actually contains a 21-space parking lot. Parking is already hard to come by in this area. The subject site is less than 200 feet from the front door of Rhinegeist, for example. The application asserts that the project will create “over 100 construction and three full time jobs.” There are not enough surface spaces in the immediate vicinity to support over a hundred construction jobs, which necessarily will clog Dunlap and Henry and exacerbate the obstruction and safety concerns.

These are the types of factors that weigh against the issuance of a variance. For example, CZC 1445-13(d) directs the Board to consider whether “Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets.” Here, they are not. The narrow Dunlap and Henry Streets to the west and south, and the even-narrower (ten feet wide) Colby Alley to the east, are inadequate to accommodate nearly any residential project, and especially one that abuts Emmert’s highly trafficked manufacturing facility and warehouse. Section 1445-13(e) and (h) similarly speak of “buffering” and “neighborhood compatibility,” which ask whether the proposed use is adequately buffered from neighboring properties or uses, or whether the “proposed work is compatible with the predominant or prevailing land use,” respectively. The answer to those questions is also no. The applicant is proposing to build to the lot lines with no buffer of any kind, and a 44-unit residential complex is not compatible with the predominant or prevailing land use that is Emmert’s 115-year history at its Dunlap & Henry location. The project also runs the risk of having adverse effects on access to public services, including safety services, *see* CZC 1445-13(j), and despite the application’s repeated assertions, the site is not “blighted” and developing it will not help eliminate or avoid blight, *see* CZC 1445-13(k). This is not to say that the overall purpose of the project is not a worthy or important one; but the project simply does not fit, in the most literal sense of that term, in the proposed location.

In addition to the *general* considerations of CZC 1445-13, a variance must be tied to the *specific* property at issue, and a variance is only appropriate if an applicant can satisfy one of the two requirements of CZC 1445-15. Under that section an applicant must show either that “special circumstances or conditions *pertaining to a specific piece of property*” would make a strict application of Code inappropriate, or that a variance “is *necessary for the preservation and enjoyment of a substantial property right* of the applicant possessed by owners of other properties in the same district or vicinity.”

There is nothing about this parcel, as such, that makes it unreasonable or inappropriate to apply the zoning code to it. It is not unusually shaped, for example (it is a perfect square); it is not burdened by challenging topography (it is almost perfectly flat); it is not constrained by immovable infrastructure or situated upon unbuildable ground. Nor is there anything about the parcel that makes a variance *necessary*—rather than merely *desirable*—for the owner to enjoy property rights possessed by others. It is a perfectly ordinary parcel that can be put to a huge number of permitted uses.

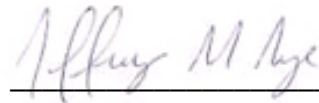
For these reasons, the variance requests are more akin to an application for a zone change, and while zone changes may be appropriate in some circumstances, the

appropriate way to effect them is through legislative action by elected leaders, after community input and public debate, not through an administrative proceeding.

Finally, I wish to reiterate that Emmert, as a long-standing (indeed, apparently the longest-standing) member of this neighborhood, strongly supports community housing, job creation, and diversity in the area. To that end, Emmert intends to continue its dialogue with the project owner and applicant to see whether there might be an alternative way to achieve some mutually desirable goals. But given the type of the variances requested for this particular lot in this specific location, Emmert respectfully requests that the Board deny the application in its current form.

Sincerely,

STAGNARO, SABA
& PATTERSON CO., L.P.A.

A handwritten signature in cursive script, appearing to read "Jeffrey M. Nye", is written over a horizontal line.

Jeffrey M. Nye

JMN/cmw

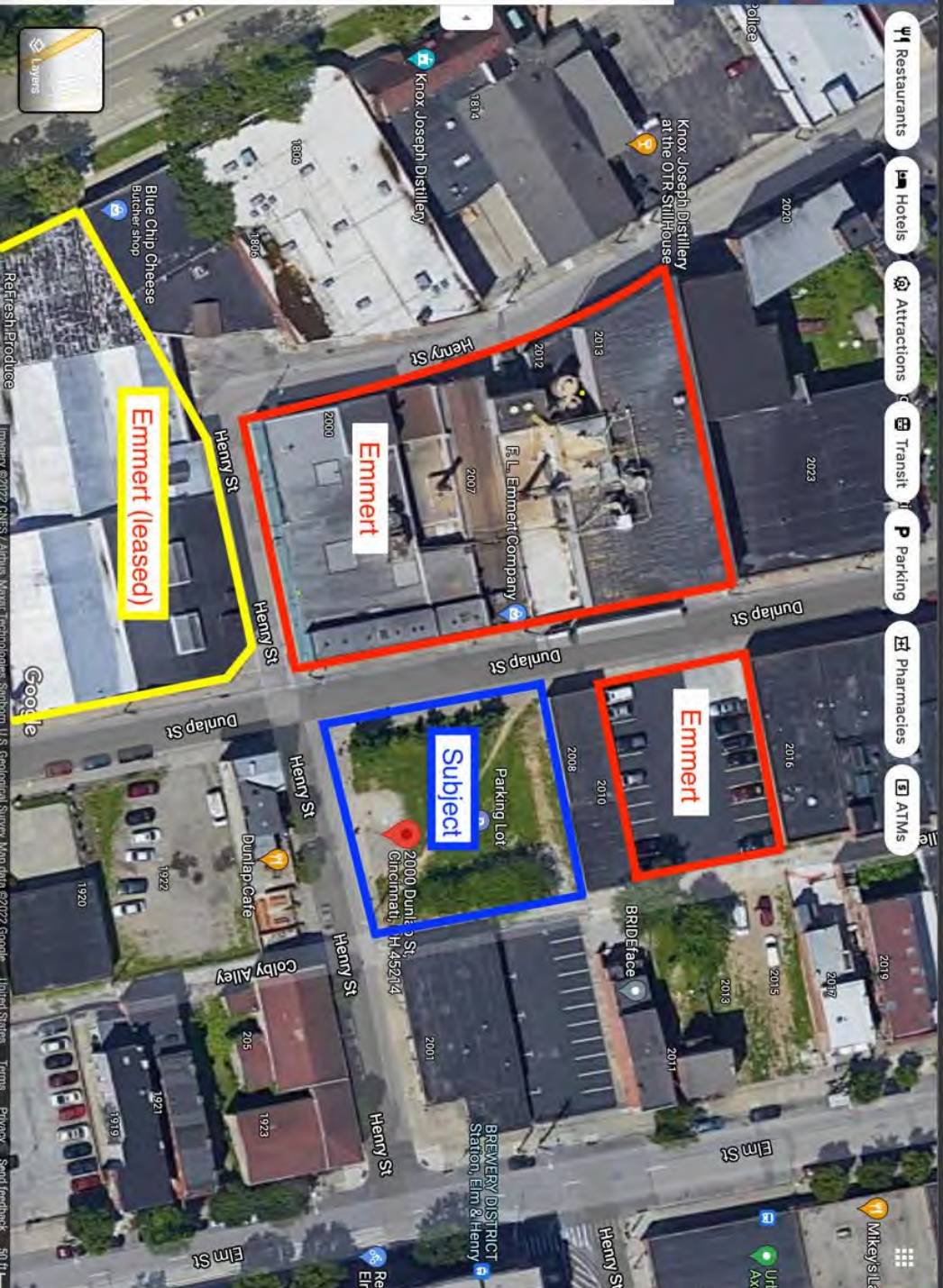


2000 Dunlap St

- Directions
- Save
- Nearby
- Send to your phone
- Share

- 2000 Dunlap St, Cincinnati, OH 45214
- 4F8H+XH Cincinnati, Ohio
- Suggest an edit on 2000 Dunlap St
- Add a missing place
- Add your business

Photos



Beth Johnson
Urban Conservator
805 Central Ave., Suite 500
Cincinnati, Ohio 45202

Dear Ms. Johnson,

I am Jeffrey Luggen, Vice President and partner in Cincinnati Industrial Auctioneers, Inc. CIA is a nationwide provider of Industrial Auction and Appraisal services. We use our buildings for our offices and warehousing operations. We have been located at 2020 Dunlap Street in OTR since 1980. CIA employs 20 people.

CIA and the neighboring businesses ship and receive goods on a daily basis. We can attest to the fact that Dunlap is a busy street with commercial traffic on weekdays. On the weekends the area is crowded with tourists and customers of the surrounding businesses. High density usage is not a good fit for the area.

We have seen the neighborhood go through many changes over the past 40 years, reaching a low point around 2001. Prostitutes and drug dealers took over the streets. Slowly, north OTR began to change for the better. In recent years the neighborhood has experienced a resurgence. Private citizens are renovating homes and new businesses are opening. A welcomed change.

At present, Elm Street north of Findlay Market is an "entertainment district" with breweries, bars, restaurants, businesses and low-density housing. Dunlap Street from Findlay Street north is occupied by commercial businesses, a Tavern, low density housing, a public park and a public swimming pool. High density occupancy housing is a poor fit for the area.

In mid-December, we were surprised to hear that a building is planned for 2000 Dunlap Street. The project will require numerous variances to the

building and zoning codes. The building does not appear to conform with the existing land use in the neighborhood.

The “High-Density Variance” will change the density from (14) units for the lot size to a high-density usage of (44) units, over a 200 percent increase above the code. This density usage will cause numerous traffic, parking, health and safety issues for the community.

The “No Set Back Variance” gives the developer the ability to build from “lot line to lot line” for the sole purpose of creating density at the site. The plans only allow two spaces for parking, not enough to accommodate residents, guests, staff or service personnel. The plans have no outdoor space for the residents to congregate. These necessities will be left to the surrounding streets to fulfill.

Building to the “lot line” along Colby Alley will constrict the access to the alley making ingress and egress difficult for the residents. This constriction will make it difficult for the Fire and Police Departments to gain access in case of emergencies.

No information has been given to the community regarding the development, or its effects on the neighborhood. We hope that the city will hear the residents' concerns and not grant these variances. The developer should adhere to the exiting code.

Respectfully,
Cincinnati Industrial Auctioneers, Inc.
Jeffrey L. Luggen
Vice President

ROBERT W. BUECHNER ^{1,2}
GLORIA S. HAFFER ¹
EDWARD M. O'CONNELL, JR. ¹
ROBERT J. MEYERS
PETER E. KOENIG ¹
STEPHEN B. HOFFSIS
DAVID W. BURLEIGH ¹
BRIAN R. REDDEN
BRIAN J. HIRSCH ³
MARK W. JORDAN ¹
ROBERT J. GEHRING ¹
BRETT M. RENZENBRINK ¹



ATRIUM TWO
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CHRISSY DUNN DUTTON ^{1,3}
SABA N. ALAM
ERICKA H. SPEARS
EDWARD J. McHALE
JESSICA D. KONRAD
ROBERT G. HYLAND
DAVID A. MILLER

¹ ALSO ADMITTED IN KENTUCKY
² ALSO ADMITTED IN FLORIDA
³ ALSO ADMITTED IN INDIANA

OF COUNSEL
MARK H. LONGENECKER, JR.
GARY E. HOLLAND, JR. ¹

Direct Dial: (513) 357-4333
Email: pkoenig@bhmklaw.com

January 14, 2022

sturkey4@gmail.com

David B. Sturkey, Esq.
City of Cincinnati
801 Plum Street
Cincinnati, Ohio 45202

Beth.Johnson@cincinnati-oh.gov

Historic Conservation Board
c/o Ms. Beth Johnson, AICP
City of Cincinnati, Urban Conservator
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Kasandra.Maynes@cincinnati-oh.gov

Ms. Kasandra Maynes
Office of Administrative Board Cases
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

RE:	Applicant:	New Republic Architecture
	Case No.:	COA2021066
	Subject Property:	2000 Dunlap Street
	Hearing:	January 24, 2022
	My Clients:	Dunlap Street Properties, LLC, and its Affiliated Individuals and Entities

Dear Mr. Sturkey, Ms. Johnson, Ms. Maynes and Members of the Historic Conservation Board:

This firm and the undersigned represent Dunlap Street Properties, LLC, and affiliated individuals and entities ("Clients" or "DSP") in connection with the above-referenced matter. My Clients own properties adjacent to and in the immediate vicinity of 2000 Dunlap Street ("Subject Property") for which New Republic Architecture ("Applicant") requests zoning relief related to density and rear setbacks for a proposed four-story structure with a total of forty-four (44) permanent supportive housing units in the Over-the-Rhine Historic District ("Variance Request").

Historic Conservation Board

January 14, 2022

Page 2

For the reasons set forth herein and those to be presented at the January 24, 2022 Hearing, my Clients oppose the Applicant's Variance Request and respectfully request a denial of the Applicant's application.

I. Background

DSP owns the property where its affiliate Cincinnati Industrial Auctioneers, Inc. ("CIA") conducts its business as a nationwide provider of asset disposition, auction and appraisal services. CIA employs 20 people, and has for the past 50 years conducted about 60 annual auctions nationwide. These auctions have been conducted on behalf of Fortune 500 companies, small businesses, lending institutions, government agencies, and federal and local courts.

CIA has been located at 2020 Dunlap Street since 1980. DSP and its affiliates, including CIA, also own and conduct business operations out of the following additional locations which are adjacent to or in the immediate vicinity of the Subject Property: 2016 through 2034 Dunlap Street, 2008 Dunlap Street, 2001 Elm Street; DSP owns properties at 2036 through 2046 Dunlap Street and (4) lots on McMicken Avenue (collectively hereinafter, the "DSP Properties"). An aerial satellite map reflecting the DSP Properties that will be directly impacted by Applicant's Variance Request is attached hereto as Exhibit 1.

A review of the aerial satellite map also reflects that the DSP Properties are located in the "Brewery District" of historic Over-the-Rhine neighborhood, which is primarily comprised of dining and entertainment venues, industrial, and light, medium, and heavy manufacturing businesses.

In mid-December of 2021, DSP, together with the other residents and businesses in the area, were surprised to learn that the Applicant proposed a development project to be built at the Subject Property, which is a parking lot owned by Over the Rhine Community Housing. The proposal consists of a four-story structure with a total of forty-four permanent supportive housing units for homeless populations (the "Project"). In connection with the Project, on December 10, 2021, Applicant submitted its Application for Zoning Relief ("Application").

A review of the Application reflects the following information relevant to the Historic Conservation Board's ("HCB") consideration of Applicant's Variance Request:

- Base Zoning Classification is identified as "UM – Urban Mix";
- Project identified as a "Non-Residential Project";
- Applicant has not identified any Nature of Relief Requested.

Historic Conservation Board

January 14, 2022

Page 3

Importantly, Applicant describes the proposed Project as follows: “We are proposing a new, 4-story, 44 unit permanent supporting housing project in OTR, on a vacant 100’ x 100’ lot (emphasis supplied). The project will be built to the lot lines and will require zoning relief for 30 units, as per CZC there is a 700sf/du lot minimum, which would only permit 14 dwelling units. Additionally, the project will require a rear setback variance of 10’, as we are seeking a zero [sic] lot line.”

Applicant claims the Project is “all residential” and is intended to provide “affordable housing.” However, Applicant interchangeably uses the phrases “affordable housing” and “permanent supportive housing,” causing confusion and casting doubt on the true purpose of the Project.

Critically, “affordable housing” is a more general term defined by the U.S. Department of Housing and Urban Development as a housing unit that costs the occupant less than 30% of their total income in rent and utilities. “Permanent supportive housing” is different. This term is widely understood to mean housing and support services intended to address the needs of chronically homeless individuals. Therefore, although it is unclear from the Application as to the exact nature of the proposed use of the Subject Property, it appears that the Project is either a “Transitional Housing” use or “Special Assistance Shelter.”

“Transitional Housing” can mean different things under the Cincinnati Municipal Code (“CMC” or “Code”). In an Urban Mix (“UM”) district, Transitional Housing that includes drug or alcohol rehabilitation services, or criminal justice release programs (*i.e.*, “Transitional Housing Programs 5, 6”), is a prohibited use. Otherwise, it is a permitted use (“Transitional Housing Programs 1-4”). A “Special Assistance Shelter,” which is defined as short-term housing for homeless individuals who may also require services, is a conditional use in a UM district.

Because the Application insufficiently defines the nature of the Project, it is presently impossible for DSP to understand the category of the proposed use. This letter assumes that the proposed use is one of the foregoing uses. DSP reserves the right to raise further arguments against the proposed use in the event additional facts come to light concerning the true nature of the proposed use.

By this letter, DSP requests that the defective Application be rejected for the following reasons: (i) the Application is incomplete and inaccurate; (ii) the proposed use is likely a prohibited use in an Urban Mix zoning district; (iii) the Project will be incompatible with the

Historic Conservation Board

January 14, 2022

Page 4

existing neighborhood land uses and demographic; and (iv) application of the *Duncan*¹ factors to the Project supports the conclusion that the Variance Request and related Application must be denied.

II. Legal Argument

A plethora of issues and concerns exist with regard to Applicant's Variance Request and related Application for the Project. One of which is that Applicant has failed to publicly engage the community, law enforcement, emergency medical services, fire protection, transportation, and other governmental agencies in any discussion regarding the intended purpose and scope of the proposed Project. In addition to the lack of community engagement and discussion regarding the Project, the Applicant has not taken steps to ensure that the Project satisfies requisite zoning standards, nor considered the negative impact the proposed Project will have on the Over-the-Rhine community should Applicant be permitted to move forward with the Project as currently planned.

A. The Application Should be Rejected On its Face Because it is Inaccurate and Incomplete.

Applicant's application is both factually inaccurate and incomplete. It classifies the Project as a "Non-Residential Project," but Transitional Housing is a residential use. And its assertion that the Subject Property is vacant is incorrect: it is currently used as a parking lot. Finally, the Applicant completely fails to specify the nature of the relief that it is requesting in Section 4. For all of these reasons, the Application should be rejected out of hand and the Applicant required to resubmit a complete and accurate Application.

B. The Project Would Create a Prohibited Use in an Urban Mix District

Section 1410-05 of the CMC prescribes the land use regulations for an UM district. Regulations are established by category, and among the permitted residential uses under the Code is "Congregate Housing".² At the January 4, 2022 hearing on the Project, Ben Eilerman, representative of the Subject Property Owner, Over the Rhine Community Housing, stated the Project constituted "Congregate Housing" and "permanent supportive housing". Section 1401-01-C19 defines "Congregate Housing" as "[a]partments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services and other support services appropriate for the residents."

¹ *Duncan v. Middlefield*, 23 Ohio St.3d 83, 491 N.E. 2d 692 (1986); Cincinnati Municipal Code §1445-16

² CMC §1410-05.

Historic Conservation Board

January 14, 2022

Page 5

“Permanent supportive housing” is not a permitted UM use under the Code. However, it has been stated that permanent supportive housing is purportedly a type of “Transitional Housing,” certain categories or “programs” of which are a permitted use under the Code. “Transitional Housing” is defined under the Code as:

‘Transitional housing’ means housing designed to assist persons in obtaining skills necessary for independent living in permanent housing, including homes for adjustment and halfway houses. Transitional housing is housing in which: ,

(a) An organization provides a program of therapy, counseling or training for the residential occupants;

(b) The organization operating the program is licensed or authorized by a governmental authority having jurisdiction over operation; and

(c) The program is for the purpose of assisting the residential occupants in one or more of the following types of care:

(1) Protection from abuse and neglect;

(2) Developing skills necessary to adjust to life;

(3) Adjusting to living with the handicaps of physical disability;

(4) Adjusting to living with the handicaps of emotional or mental disorder or mental retardation;

(5) Recuperation from the effects of drugs or alcohol, even if under criminal justice supervision; or

(6) Readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs.

See CMC §1401-01-T.

Under §1410-05, only organizations that provide a program falling under (c)(1) through (c)(4) are recognized as permitted uses in UM districts. Programs that fall under (c)(5) or (c)(6) for recuperation from the effects of drugs or alcohol or readjustment to society while housed

Historic Conservation Board

January 14, 2022

Page 6

under criminal justice supervision, are not permissible land uses in a UM district. A review of the proposed Project materials reflects that it is not a permissible land use on the Subject Property.

Applicant submitted its December 13, 2021 Permanent Supportive Housing Proposal (“PSH Proposal”) which includes, among other things, an architectural site plan and various floor plans. Notably, the First Floor Plan reflects an office for a Case Manager, a public kitchen and dining hall, and rooms dedicated to private counseling sessions. *Id.*, p. 3. The Basement Floor Plan identifies additional offices for Case Managers, medical exam spaces, and a trade nurse space. These features indicate that the Project is likely to include drug or alcohol support services and/or post-release services. These programs would fall under categories (c)(5) and/or (c)(6), and thus, the Project would be a prohibited use in a UM district. Because Applicant fails to seek the proper relief for a prohibited use, the Applicant must be denied.

C. The Proposed Use is Incompatible With Surrounding Uses and the Variance Should Be Denied

Despite Applicant’s failure to identify on the face of its Application the relief it seeks from the HCB, it is clear from Applicant’s Project materials submitted to the HCB, that it seeks an area variance, use variance, and possibly an urban design overlay district permission.

Applicant is proposing construction of a four-story structure on a lot that is not currently vacant, but instead, is a parking lot owned by Over the Rhine Community Housing (“Parking Lot”). The Parking Lot is 100’ x 100’ and was made into an attractive parking lot by the owners, with fencing, striping, and pay-box in 2018. The Parking Lot creates cash flow for Over the Rhine Community Housing (“Owner”) by providing a considerable number of parking spots for those visiting Findlay Market, enjoying the brewery district and entertainment venues, local businesses, neighborhood residents, and more. As it stands, the Owner is making an economically effective use of the Parking Lot without the need for any variances.

Applicant’s Project seeks density and rear setback zoning relief. Specifically, the permitted density in a UM district is one (1) unit per 700 square feet of lot area. Based upon the 10,000 sq. ft. specifications, it is zoned for fourteen (14) units. Here, Applicant is proposing construction of 44 units on the 10,000 sf Parking Lot, which equates to a density of one (1) unit per 227 sq. ft. lot area. That is more than *three times* the zoned density.

Additionally, Applicant’s PSH Proposal only accounts for two parking spaces. Its proposal states that “over 100 construction and three full time jobs will be created.” *See* Applicant’s December 10, 2021 correspondence to Ms. Johnson (“Applicant Correspondence”),

Historic Conservation Board

January 14, 2022

Page 7

p. 2. There is no consideration for any additional parking needed for residents, guests, staff or service personnel. Applicant wants to pack 44 studio units that are a mere 450 gross sq. ft. each into its proposed structure.

Applicant's proposal fails to take into consideration that the Subject Property sits on Dunlap Street, which is already very busy with commercial traffic, including heavy duty truck traffic on weekdays and crowded with tourists and customers of the surrounding businesses on the weekends. For example, CIA's large industrial auction headquarters receives shipments of supplies and documents daily related to the operation of their business. The F.L. Emmert Company, a historic spent-grain processing facility, requires a daily steady flow of large semi-tractor trailer access on narrow Dunlap Street.

Other businesses in the area impeded by Applicant's proposed use include the following: Distilleries and Breweries (4), Restaurants and Taverns (4), Night Clubs (2), Axe Throwing Club, Printing Company, Custom Cabinet Manufacturer, Novelty Wholesale Company, Contractor Tool Supply and Repair, Automotive Repair Shops (3), Elevator Repair Company, and Bridal Photographer. Applicant's proposed high-density use of the Parking Lot does not comport with the already high intensity commercial, industrial, manufacturing and retail uses, heavy personal and commercial vehicle traffic and pedestrian traffic in the area. Applicant's density usage will undeniably cause numerous traffic, parking, health, and safety issues for the community.

Applicant's request for a ten (10) foot rear yard setback variance for the Project is equally untenable. Applicant's Correspondence states in pertinent part that, "[t]he Project is generally built to the zero lot line on all sides,..." *Id.* This is incorrect. The Project is intended to be built all the way to the zero lot line, purportedly for the sole purpose of creating maximum density at the Subject Property. In fact, in its Correspondence, Applicant states, "[t]he proposed density variance is required in order to create a sufficient density to make the project viable through economies of scale." *Id.* Building to the zero lot line along Colby Alley will severely constrict access to the alley, undoubtedly making ingress and egress challenging for residents and businesses. Additionally, Applicant's failure to confer with the local community regarding the Project also creates the issue that fire, medical, and police services will face great difficulty in trying to gain access in case of emergencies.

Applicant's lack of transparency and community engagement regarding the proposed Project requires, at a minimum, a delay for reasonable consideration of the Variance Request and related Application. While DSP supports inclusion, the bottom line is that the proposed Project is not compatible with the neighborhood today, or as OTR is continuing to develop in the Brewery District. Accordingly, the Variance Request and related Application should be denied.

Historic Conservation Board
January 14, 2022
Page 8

D. Application of the *Duncan* Factors to the Project Supports a Denial of the Variance Request and Related Application

Although the Applicant identifies the *Duncan* Factors in its submittal, the Applicant's conclusory statements fail to establish that the Project satisfies the factors.

In Ohio, a set of seven guidelines are prescribed for officials and courts to employ in fairly and equitably considering how to gauge whether a property owner seeking an area variance has encountered practical difficulties in the use of the owner's property. These are informally referred to as the "*Duncan* Factors" and are enumerated in *Duncan v. Middlefield*, 23 Ohio St.3d 83, 491 N.E. 2d 692 (1986). They are codified in CMC §1445-16.

The *Duncan* Factors include, but are not limited to:

- (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) whether the variance is substantial;
- (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (5) whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance;
- (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Application of these *Duncan* Factors to the Project strongly weighs in favor of denying Applicant's Variance Request and Application.

Historic Conservation Board

January 14, 2022

Page 9

First, the Owner can make beneficial use of the Subject Property and receive a reasonable return without the Variance Request by continuing to exercise its current use as a Parking Lot for the neighborhood. Applicant incorrectly contends that the "site is currently a vacant parking lot..." See Applicant Correspondence, p. 2. However, the Parking Lot yields regular cash flow for the Owner and is expected to continue to do so in the future, particularly in light of the fact that the neighborhood is expanding as an entertainment destination in the Brewery District for locals and tourists alike. Applicant has offered no evidence to show that the Parking Lot is economically unfeasible. Furthermore, the subject Property will remain economically viable if it is redeveloped in accordance with the existing zoning requirements.

Second, the Variance Request is substantial. Not only does Applicant's Project propose construction of 44 studio units, each only a gross 450 sq. ft., into a space that is zoned for one-third of that density, but its setback variance will also unnecessarily compound the already existing, high-intensity commercial and residential traffic in the area. It will also create substantial impediments to accessing Colby Alley, a necessary throughfare for the existing residents, fire department, emergency medical service, and police ingress and egress.

Third, the materials presented by Applicant support a finding that the Variance Request would alter the essential nature of the neighborhood. As set forth above, and as can be seen on the aerial satellite map, it is clear that the properties immediately surrounding the Subject Property consist mainly of commercial buildings, including businesses in the industrial, manufacturing, dining, entertainment, and shopping sectors. Many adjoining property owners and neighbors of the Subject Property have provided their objections to Applicant's Project. They oppose the Variance Request on the grounds that their respective properties would be detrimentally affected by the Project. The Project seeks to provide housing for the homeless population in an otherwise business and entertainment district in the heart of the Brewery District of OTR. If the Project is, in fact, going to provide programs to its residents that fall into categories (c)(5) and (c)(6) of the CMC, placing residents who are vulnerable and confront substantial social and personal challenges, e.g., drug and alcohol addiction or being subject to criminal justice supervision, in a location that derives its identity from large-scale production and retail sale of beer would undoubtedly negatively impact such residents. It would also potentially increase health and safety concerns for the existing residents and visitors.

Notably, in its Correspondence, Applicant states that "[t]he building is all residential, and therefore hours of operation are not relevant." See Applicant Correspondence, p. 2. However, Applicant's statement ignores the fact that placing the aforementioned vulnerable residents in an area that has and continues to add more bars and breweries to the area that are open until 2:00 or 3:00 a.m., is not conducive to providing safe and supportive housing to the homeless population. Additionally, if the Project is "all residential" where will all of the program activities take place?

Historic Conservation Board

January 14, 2022

Page 10

Applicant also asserts that the proposed Project “will eliminate blight...” *Id.* “Blight” refers to a property or structure that “exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.”³ The subject property is a well-maintained Parking Lot that was constructed within the past three years and which is regularly used by patrons to the surrounding businesses in the Brewery District. Other than making the blanket, conclusory statement that Project will “eliminate blight,” Applicant has failed to provide any evidence to support such a finding of blight. To the contrary, the immediately adjacent buildings are occupied and well-maintained; the Parking Lot and nearby structures are thriving, not blighted.

Fourth, granting the Variance Request would adversely affect the delivery of governmental services such as fire, medical, and police. Applicant proposes building the structure to the lot line, which may severely limit access to Colby Alley, in particular, for these emergency service providers. Additional governmental services may also be negatively impacted by the Variance Request, and requires community discussion and engagement to fully ascertain.

The fifth *Duncan* Factor requires an analysis as to whether the property owner purchased the property with knowledge of the zoning restriction. This factor codifies the well-established self-imposed hardship rule which recognizes that variances are not appropriate where an owner creates the hardship from which the owner seeks a variance. See, e.g., *Klubnik v. Granger Tp. Bd. Of Zoning Appeals*, Ninth Dist. No. 2465-M, 1996 Ohio App. LEXIS 1023 (March 20, 1996). It is clear that the Owner purchased the Subject Property with knowledge of the zoning restriction, and any alleged “hardship” to the Owner in complying therewith, is self-imposed. Here, the Owner seeks to demolish the Parking Lot, which satisfies the requisite zoning restrictions, and instead, construct a 44-unit residential building that provides services to its residents that are not permitted under existing zoning for UM districts. The Owner suggests in the Application that it could construct a 14-unit residential development as a matter of right but argues without evidentiary support that this would not be economically viable. Instead of developing a properly-sized residential development, Owner seeks a development that is *over three times the permitted size*. This is the essence of what the fifth *Duncan* Factor seeks to address. The rationale articulated by the Owner is strictly economic in nature. There are other ways that the Subject Property could be developed in an economically-viable way that would not require a variance. The Owner should pursue those opportunities rather than seek this massive variance. Therefore, this self-imposed, strictly economic hardship must vitiate the Variance Request.

³ See e.g., <https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/program-requirements/eligible-activities/what-is-the-definition-of-a-blighted-structure/>.

Historic Conservation Board
January 14, 2022
Page 11

Sixth, the Owner does not have a "predicament," as articulated by *Duncan Factor*. But even if the Owner did, any predicament feasibly can be obviated by maintaining the Subject Property as a Parking Lot, a current and future economically viable use without the need for any variances. In the alternative, the Owner can redevelop the site in accordance with existing zoning requirements. None of the adjoining neighbors dispute that the Owner can continue to use the Subject Property as a Parking Lot as it is currently being used. Alternatively, the Subject Property could be developed under the CMC's UM zone in a way that is similar to surrounding uses, which uses are generally permitted under the Code. The so-called "predicament" exists only because Applicant seeks to use the Subject Property in an entirely new way that is entirely out of scale with surrounding permitted uses and is expressly prohibited by the CMC. Thus, if the Variance Request is denied and the Subject Property continues to be utilized as a Parking Lot, or if it is developed similarly to surrounding uses, there is no "predicament" that needs to be remedied.

Finally, granting the Variance Request would violate the spirit and intent behind the zoning code. The interests of the community, neighborhood, and adjoining property owners would not be served by approval of the Variance Request, and a denial of the Variance Request will not deprive the Owner of a reasonable economic return or beneficial use of the Subject Property. The only way that the "spirit and intent" of the CMC would be upheld in this matter is if the Variance Request is denied. Zoning exists to protect the character and integrity of existing neighborhoods and individual property owners in an area. If Applicant is permitted to construct a four-story, 44-unit, permanent supportive housing structure and destroy much-needed parking in the neighborhood, it would render meaningless the "spirit and intent" of the CMC.

Further, the precedent of such a decision could be severe. If the Variance Request is granted, it could prompt others in OTR to change the nature of their properties and construct cramped housing in overly dense structures for already vulnerable populations. Substantial justice requires that the OTR community, including DSP, be given due consideration in this matter and that the HCB deny the Variance Request.

Applicant's assertion that providing 44 affordable housing units to the homeless population will be "an economic boon to the community" is not true. DSP supports efforts to provide affordable housing to reduce homelessness in the City of Cincinnati, and believes that when it is done correctly, it can help the economic stability of a community by reducing negative impacts that homelessness can have on surrounding businesses. Applicant's Project, however, fails to satisfy or further that goal. Given that the Project is "affordable" housing means that its residents will have little to no disposable income to contribute to an economic boon to the OTR community.

Historic Conservation Board
January 14, 2022
Page 12

Upon consideration of the relevant *Duncan* Factors, it is clear Applicant has not encountered the practical difficulties needed to warrant approval of its Variance Request. Accordingly, the HCB must deny the Variance Request and related Application.

III. Conclusion

If the HCB were to grant the Variance Request, it would place the interests of a single property owner over the interests of an entire neighborhood. Accordingly, DSP respectfully requests that the Historic Conservation Board deny Applicant's Variance Request and related Application in order to preserve the character of the neighborhood, uphold the spirit and intent of the Cincinnati Municipal Code, and protect the general welfare of the community of Over-the-Rhine.

Sincerely,

BUECHER HAFFER MEYERS & KOENIG, CO., LPA

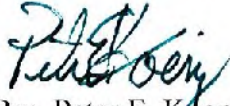
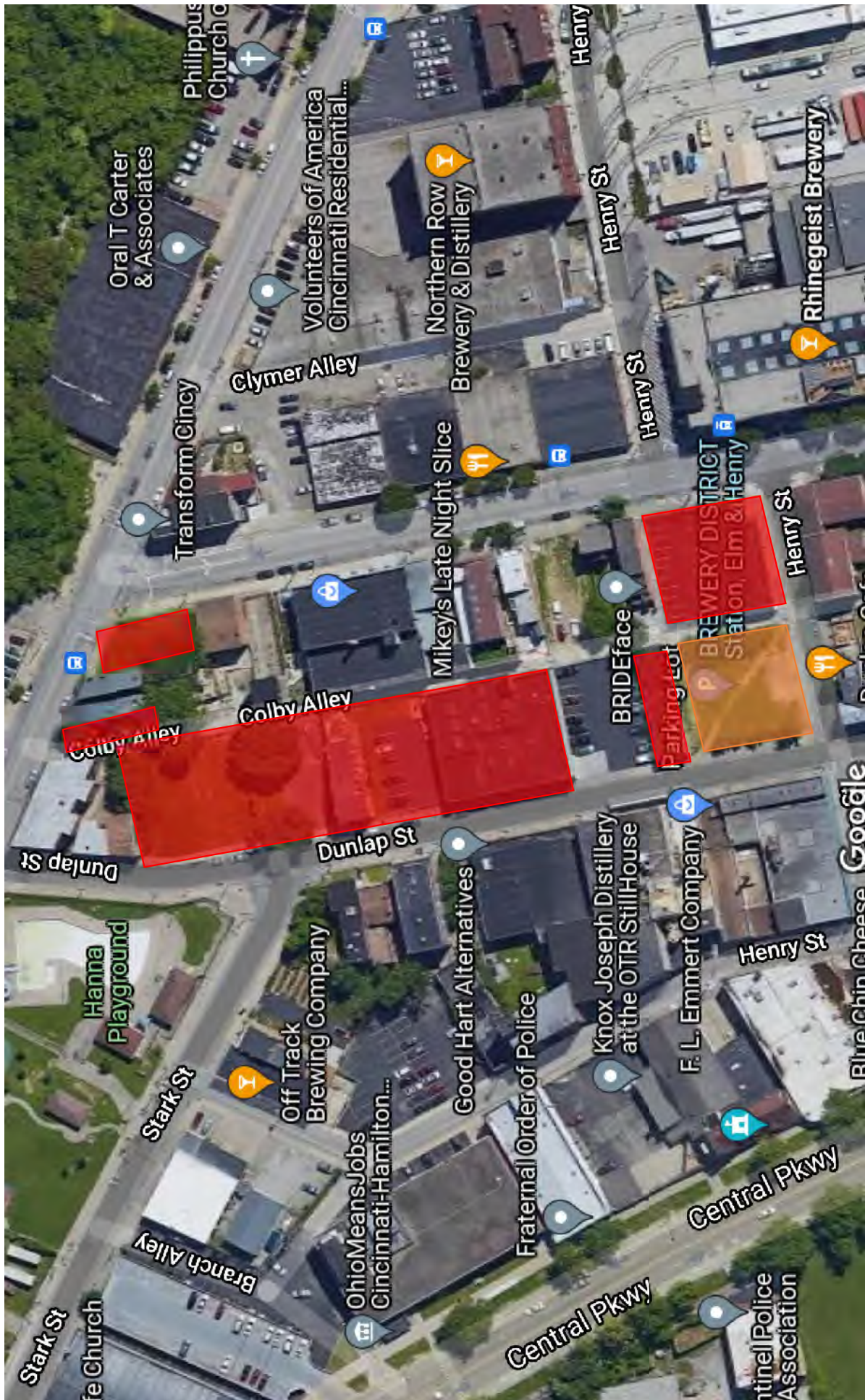

By: Peter E. Koenig

EXHIBIT 1





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January 17, 2022

Via Email: beth.johnson@cincinnati-oh.gov

City of Cincinnati
c/o Beth Johnson, Urban Conservator
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

Re. *Variance Request re. 2000 Dunlap Street*
Case Number COA2021066

Dear Ms. Johnson:

I represent the City Lofts on Dunlap Condominium Association and I write in opposition to the Application for Zoning Relief submitted by New Republic Architecture. Though a Certificate of Appropriateness ("COA") will be necessary for the proposed project, the applicant has not requested a COA or submitted information such that the Historic Conservation Board ("HCB") can consider the factors set forth in Section 1435 of the City of Cincinnati Zoning Code. The Application for Zoning Relief should be denied because of the negative impact it will have on the neighborhood and surrounding properties, and because the Application itself is incomplete and insufficient.

The City Lofts on Dunlap are located at 1908 Dunlap Street. The proposed project is a few hundred feet away. The City Lofts on Dunlap building contains six condominium units, five of which are owner-occupied (the owner of the only unit that is not owner-occupied lives right around the corner). Though the parcel located at 1908 Dunlap is actually larger than that at 2000 Dunlap (125 x 100 vs 100 x 100), the application seeks to more than triple the current allowed density from 14 units to 44 units by cramming an excessive number of units onto a small parcel. The owners of the City Lofts on Dunlap purchased with the expectation that the City will continue to enforce the Zoning Code and preserve the historic nature of the neighborhood.

Section 1435-05-4 sets forth the requirements for a variance within a Historic District:

Whenever an application is made for a variance...relating to property wholly or partially located within a Historic District or involving a Historic Asset, the Historic Conservation Board exercises the authority granted to the Zoning Hearing Examiner in Chapter 1445 of the Cincinnati Zoning Code. In such cases, the provisions of Chapter 1445, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein.

The Historic Conservation Board may grant such...variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

- (a) Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset; or
- (b) Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)–(ff) below. Emphasis added.

The Applicant has the burden to establish that it is entitled to a variance. The City sets a high standard for relief from the Zoning Code, particularly within a historic district. This is because thousands of property owners rely on the Zoning Code and regulations to protect their property interests and values. In this case, the Applicant has not even requested the necessary COA nor attempted to argue that it can meet the high standards for a variance.

Section 1435-05-4 requires a two-step initial analysis. First, the applicant must prove that the variance is not materially detrimental to the public health, safety, and welfare or injurious to neighboring properties. That was not done here. To the contrary, the proposed project is not compatible with the neighborhood, is too large, and would not complement the historic district.

Second, the applicant then must prove the project is necessary and appropriate in the interest of historic conservation (not argued here) OR is necessary to prevent the owner from being denied all economically viable use of the property, taking into account the considerations for a COA under Section 1435-09. The applicant has the high burden to establish that it would be denied the economically viable use of its property.

By trying to take a two-step approach in bifurcating the variance requests from the COA, the applicant failed to include the necessary analysis of whether a variance is necessary under Section 1435-05-4 and whether it would be deprived of the economically viable use of its property. The Zoning Code, in Section 1435-09-2(b) provides specific factors that an applicant can use to establish that a variance is necessary in order to prove that a denial would result in being deprived of the economically viable use of their property. The applicant never attempted to prove an economic hardship and cannot do so.

The variance requirements in Section 1435-05-4 are in addition to the standards set forth in Section 1445-13. The applicant's letter, while ignoring the language in Section 1435-05-4, provided cursory and conclusory statements on the standards set forth in Section 1445-13. Nothing in the application showed that it was necessary to triple the allowable density or that the proposed project is in the public interest. The application was so bereft of details as to make it impossible for a detailed consideration of the variance standards.

Rather than rush through an incomplete application for only part of what is required from the HCB, we request that the Board deny the Application for Zoning Relief. In order to fully consider the scale of the project and how it would impact the historic neighborhood, more information is necessary and the applicant must also obtain a COA. Based on the limited information provided, the proposal is not in the interest of historic conservation and denying the application would not deprive the applicant of all economically viable use of the property.

Sincerely,



Daniel J. McCarthy

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

Beth Johnson
Urban Conservator
City of Cincinnati Historic Conservation Board
Two Centennial Place
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202

January 14th, 2022

Dear Ms. Johnson,

This letter is a follow up letter to the January 3rd, 2022 letter that the Dunlap Neighbors submitted to the Historic Conservation Board (HCB). In that letter, signed by thirty- four residents and neighbors, we outlined our opposition to the New Republic 2000 Dunlap Street Project for the Over the Rhine Community Housing. Dunlap Neighbors is an informal group of residents and businesses that formed after we discovered the applicant was planning to construct a 44 unit structure designed to provide supportive permanent supportive housing to homeless people in that location. It is critical to note that virtually every adjacent business and resident and many other nearby businesses and residents are opposed to this project in its present form. We are not opposed to affordable housing. We are opposed to cramming in a 44 unit structure on a 100' x 100' lot zoned for 14 units. In our January 3rd letter we outlined our concerns about the density and setback variances the applicant is seeking. In this letter, signed by members of Dunlap Neighbors, we will outline the many other reasons why this structure is the wrong project in the wrong place at the wrong time.

1. Despite the fact the applicant is seeking to build a structure entirely paid for by public tax dollars and seeking several zoning variances the applicant has not engaged the community about the purpose or overall design of this project. It has NOT been approved or supported by the Mohawk Neighborhood Development Corporation or the OTR Community Council. They have not engaged adjacent residents or businesses and most of the community only learned of this project after they obtained the HCB Notice of Public Hearing card in the mail.. We request that you delay rendering a decision on this project until the applicant appropriately engages the community.
2. HUD policy directly opposes the over concentration of low income housing. 2000 Dunlap Street is located to an area of OTR over saturated with low income and other institutional units that would be more effectively located in other mixed neighborhoods. 2000 Dunlap St is located 0.2 miles of 130 bed Volunteers of America facility that houses sex offenders and other convicted individuals serving out their sentence in this halfway house. This project is 0.2 miles from Logan Towers, a 63 bed permanent supportive housing site for the chronic homeless and half a mile from The Jimmy Heath House, a 25 bed housing site for the chronic homeless. There are many other low income housing projects located next to 2000 Dunlap Street that are too numerous to mention. This concentration of institutional supportive housing is dropped into a neighborhood with high poverty. Many of our neighborhood families are poor African-American families that are struggling to raise their children in a neighborhood that is already saturated with institutional housing for the chronic homeless, many of whom are battling mental illness, drug and alcohol addiction and trauma. How are these struggling families going to successfully raise their children in this type of environment?
3. The applicant is proposing to construct a 44 unit structure for the chronic homeless and has stated the clients who will be housed there are individuals that are selected from the Coordinated Referral Entry System. Essentially the clients who will be served by this facility are referred by

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project

1/14/2022

other clients in homeless shelters. This system is administered by Strategies to End Homeless Organization. This entry system is designed to select those individuals who exhibit the greatest need due to severe mental illness, addiction and past trauma. The applicant is proposing to house these 44 clients in a neighborhood with open prostitution and drug sales, elevated gun violence and a plethora of drinking establishments. These struggling individuals will be housed in units that are roughly 300 square feet with no outside space to gather and recreate and breath fresh air. Does any reasonable person at the end of the day believe that this type of unit is setting up the clients or the neighborhood families and businesses for success?

4. Where will these clients come from? Will they come from City of Cincinnati, Hamilton County, or the state of Ohio? A similar 57 bed institutional facility for the chronic homeless is located at 821 Ezzard Charles Drive. According to Cincinnati Police Department 2021 data this address had 110 calls for service, 23 mental health, 14 report calls, 31 disorderly/trespassing, 3 weapons and 39 Other calls. Since there is no system in place to ensure that the clients of 2000 Dunlap Street are City of Cincinnati residents, the generous tax payers of this city, county and state will be paying for the services that these struggling individuals will invariably need and deserve.
5. The use of this proposed structure has not been correctly presented by the applicant. According to the building code classification of occupancies, this is an Institutional User Group, not housing. This use is only conditionally permitted in the Urban Mix Zone. Housing for people recovering from certain issues including drug and alcohol abuse, criminal history, sex abuse recovery programs are specifically not permitted in the Urban Mix Zone.
6. This proposed project is in direct contrast to the stated goal of creating a mixed income neighborhood in OTR. Unlike other projects, such as 3CDC's Willkommen, this unit contains no mixed use residents and is exclusively low income.
7. The applicant has not conducted a traffic or parking survey to indicate how this project will affect nearby residents and businesses that operate on Dunlap Street. The current use of 2000 Dunlap Street is a paved parking lot that was properly built and permitted and it provides desperately need parking. This project only proposes two parking spots. Where will visitors, staff, deliveries park? How will this affect the intersection of Henry and Dunlap Streets that receives a total of 35-50 tractor trailer loads each business day?

We write this letter with a sympathetic heart for our homeless brothers and sisters who are in need of housing and services. We also write this letter with a clear understanding that this unvetted project fails to establish an environment where the proposed residents of this facility and the neighborhood families and businesses can be successful. We respectfully urge the HCB to delay a decision on this project until the community has been engaged and their questions answers.

Respectfully,

Dunlap Neighbors

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

	Robert Sehlhorst	2019 Elm Street	robertsehlhorst@gmail.com Resident	01/13/2022
	Denny Dellinger	228 Mohawk St.	dennyd.dellinger@gmail.co resident and home owner m	01/13/2022
	Jeffrey Luggen	2037 Elm St.	jeffrey.michael23@gmail.c Property Owner om	01/13/2022
	Ryan Luggen	2020 Dunlap St	ryluggen@gmail.com Employed	01/17/2022
	John Walter	524 Conroy Street	johnwalter@cinci.rr.com Resident, owner of Klotter Properties	01/14/2022
	Joseph M. Vallo	20 W Elder St, Unit 2	jvallo@vallomanagement.c Resident, Property Owner om	01/17/2022
	Joseph Luggen	2001 Elm Street	joe@cia-auction.com Employee of Cincinnati Industrial Auctioneers	01/13/2022
	M. David Berger	108 Henry Street	davidb@msdf1.com property Owner	01/14/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

	Stuart L. Schulman	225 Stark Street Cincinnati Ohio 45214	ssschulman@dltdelivers.com Resident m	01/13/2022
	Fede	1908 Dunlap St	agostino.fede@gmail.com Resident	01/13/2022
	Neil Marquardt	1908 Dunlap Street, #3 Cincinnati, OH 45214	neil.marquardt@gmail.com Owner	01/14/2022
	Nicholas Caruso	1908 Dunlap St Unit 1E Cincinnati, OH 45214	ncar7623@gmail.com Resident	01/14/2022
	Steven Fink	1908 Dunlap St. Unit 2 Cincinnati, OH 45214	sfink@bangzoomdesign.com Resident m	01/13/2022
	Cory Mangas	2027 Dunlap st Cincinnati, Ohio 45214	Cory@themoockbee.com / Employed m	01/13/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

<i>David G Bird</i>	David Bird	2014 Ohio Av.	dabird6711@yahoo.com	self	01/13/2022
<i>Michael Basch</i>	Michael Basch	2009 Elm Street	squirrelweddingfilms@gmail.com	self	01/14/2022
<i>Mark Gatherwright</i>	Mark Gatherwright	2035 Elm Street	qcn2025@yahoo.com	Resident	01/14/2022
<i>Kenneth Klabunde</i>	Kenneth Klabunde	2017 Elm Street	k.klabunde@gmail.com	Resident	01/16/2022
<i>Karen Domine</i>	Karen Domine	2526 cleinview ave	edenpk2@aol.com	employee	01/13/2022
<i>Jenny Miller</i>	Jenny Miller	2029 Dunlap Street	Jkmcincinnati@gmail.com	resident	01/13/2022
<i>Logan Reynolds</i>	Logan Reynolds	2029 Dunlap	loganpreynolds@gmail.com	resident	01/13/2022
<i>Julie Miller</i>	Julie Miller	2027 Dunlap Street	millerjulie50@yahoo.com	resident	01/14/2022
<i>Carol Ann Schulman</i>	Carol Ann schulman	225 Stark Street	gardenroselady@yahoo.com	Resident	01/13/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022



Hal Lorton

1830 Race St
Cincinnati, Ohio 45202

notrollah@gmail.com

Resident

01/17/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

Mary Fox

Mary Fox

522 Conroy Street

Maryfox522@gmail.com Resident

01/17/2022

Vincent Harnett

Vincent Harnett

529 Klotter Avenue

vincent.harnett@gmail.com Resident

01/17/2022

James J Hautz

James J Hautz

439 Klotter Ave. Cincinnati,
Ohio 45214

jjhautz@gmail.com Resident

01/17/2022

Frederick Charles Ellenberger

Frederick c. Ellenberger

550 W. McMicken Ave.
Cincinnati OH 45214

fellenberger@cinci.rr.com Resident, Self Employed 01/16/2022

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

Kristina LaScalea-Sehlhorst Kristina LaScalea-Sehlhorst 2019 Elm Street tinalascalea@gmail.com resident 01/13/2022

Jerome A. Luggen Jerome A. Luggen 2020 Dunlap Street jerome@cia-auction.com resident 01/14/2022

John Philkauer John Philkauer 235 State St. Business Owner 1/17/2022

Joseph Feltz Joseph Feltz 262 STATE

Mohammed Skelash Mohammed Skelash 2020 State St.

Chris Helmers Chris Helmers 2023 Elm St 1/17/22

Mike Fitzgerald Mike Fitzgerald 2023 Elm St 1/17/22

Beth DiMuzio Beth DiMuzio 2023 Elm St 1/17/22

Chris Burns Chris Burns 2016 Elm St 1/17/22

Jeffrey Luggen Jeffrey Luggen 2020 Dunlap CIA 1-17-22

Dunlap Neighbors Opposition Letter to 2000 Dunlap Street Project
1/14/2022

Guy Peters *Guy Peters* 2023 Dunlap St. glipeters@yahoo.com business 1/17/22

January 14th, 2022

Historic Conservation Board
c/o Ms. Beth Johnson
City of Cincinnati, Urban Conservator
805 Central Avenue, Suite 500
Cincinnati, OH 45202

Re: Opposition to 2000 Dunlap Street Project – Rushed Timeline

Dear Ms. Beth Johnson:

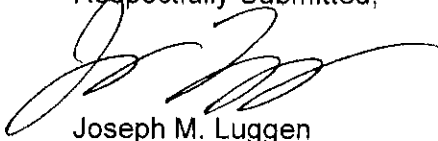
My name is Joseph Luggen and I am an employee of Cincinnati Industrial Auctioneers, Inc. located at 2020 Dunlap Street. I'm writing this letter in opposition to the 2000 Dunlap Street Project. A few of the reasons for my opposition to said project is the quick project timeline and the lack of neighborhood community engagement. As far as the timing of this project, I feel it has been rushed from its conception to its presentation.

It is my understanding that OTRCH started brainstorming this idea in late September, 2021. It was at that point that OTRCH came up with an idea and immediately engaged New Republic Architect regarding same. New Republic Architect was quick to finish drawings in early December, 2021 (just two months after the initial conception). At that point, OTRCH submitted these drawings at the last minute at the Over-the-Rhine Community Council meeting in mid-December, 2021. At that time, again it was quickly decided that a vote on the project would take place by the following meeting which would occur in early January, 2022. At this time, they are seeking approval from the Historic Board shortly after late January, 2022. I feel that this rushed timeline leads me to believe that the original project plan was ill-conceived and rushed in order to meet an OTRCH deadline in which to apply for government assistance in mid-February, 2022. It is my belief that very little time and/or consideration was taken when presenting this project. A portion of the problem involved in the short timeline is the fact that the Council did not think about the area in which they are placing this project. This block of Dunlap mainly houses businesses between FL Emmert, Goodhart Motors, Cincinnati Industrial Auctioneers, and Dunlap Café. This is not considered a "residential" area.

My next issue with the project is the lack of community engagement. There has been zero community engagement outside of going to the OTR Council meeting in December, 2021. I work for Cincinnati Industrial Auctioneers which owns property directly east of this project and the garage building directly north of this project. This means that our company are the closest neighbors to this project and not one single person from OTRCH has ever reached out via email, phone or knocking on our door to discuss this project. Unfortunately, we did not become aware of this project until it was presented to the OTR Community Counsel in mid-December, 2021. As well, most neighbors did not become aware of this project until they received a "Notice of Public Hearing" from the City of Cincinnati in the mail close to Christmas 2021. There has been little to no engagement with the neighbors regarding this project. What kind of neighbor are they going to be to us with no communication as to what they are doing? Considering the project's development, there should be open lines of communication to neighbors so that we can help look out for those who are being housed in the transitional homes, let their counselors know if anyone is having problems or issues, or if we can assist with obtaining possible part-time jobs for individuals coming into the community.

In conclusion, I am in no way against affordable housing. However, I am against this particular ill-conceived plan for affordable transitional housing. I don't believe the necessary time and consideration was taken into planning it or the correct amount of local community awareness was engaged.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. M. Luggen', with a long, sweeping horizontal stroke extending to the right.

Joseph M. Luggen
Employee and Local Resident of Over the Rhine

January 3, 2022

Beth Johnson, Urban Conservator

Re: 2000 Dunlap Street request for variances

It has been brought to the attention of the Mohawk Neighborhood CDC Board of Trustees that here is a pre-hearing for zoning variances preliminary to a development project at Dunlap and Henry Streets.

For the following reasons, we ask you to adhere to the current zoning criteria and do NOT grant the variances.

1.) There has been no outreach or community engagement within the Mohawk area of the Brewery District of OTR.

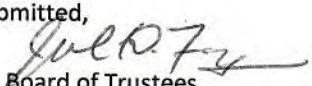
- Additionally, during the development of the Mohawk Area Plan (2016-2021) with The City's Planning Department, all property owners were informed by direct mail, and invited to participate in the plan's development.
 - Notifications were sent to property owners numerous times throughout the development of the plan.
 - Residential development is addressed in the plan with consensus on single and two-family homes on vacant lots within the district.
 - The property owner of 2000 Dunlap Street did not participate or express any specific residential use or density needs for the other participants to consider for this lot.

2.) If the 100'x100' lot were redeveloped for residential use, the Urban Mix zoning allows up to 14 residential units, with required rear setback of 10'. By Urban Mix standards this is appropriate as a maximum. To more than triple the number of residential units to 44 is a threat to the safety of the proposed residents and to the existing long-term industries.

- Urban Mix zoning was carefully designed and enacted a decade ago to safeguard existing industrial, processing, warehousing and commercial uses within the neighborhood district, while facilitating compatible adjacent development.
- 2000 Dunlap Street is in the heart of the Urban Mix zoning district. This 100' x 100' was made into a parking lot by the owners, with fencing, striping, and pay-box in 2018. It currently creates cash flow for the existing owners while serving the surrounding residences, businesses and industry.
- The Urban Mix zoning protection of density and setback, designed specifically for this area, must be retained for the purpose of the existing businesses and zoning protection.
 - The surrounding businesses include a large historic spent-grain processing facility (serving the breweries for well over 100 years!) that requires a daily steady flow of large semi-tractor trailer access on the existing narrow Dunlap Street;
 - A large industrial auction house that brings in used or surplus large equipment for reconditioning and reuse;
 - A decades-old bar/restaurant, multifamily residential, single and 2-family residential
 - Several other historic buildings that are vacant and in need of redevelopment.

3.) While apparently not under consideration today, there is no listing for "Permanent Supportive Housing" under Urban Mix. "Transitional Housing" designed to (5.) assist persons recuperating from the effects of drugs, alcohol, even if under criminal justice supervision; or (6.) readjusting to society while housed under criminal justice supervision including, but not limited to, pre-release, work-release and probationary programs is not permitted within the residential populations allowable in the Urban Mix zoning.

Respectfully submitted,


Julie Fay, Chair, Board of Trustees

Mohawk Neighborhood Community Development Corporation

513-260-8434 jdfayotr@gmail.com

Beth Johnson
Urban Conservator
City of Cincinnati Historic Conservation Board

Dear Ms. Johnson,

After hearing about the New Republic Architecture proposed project at 2000 Dunlap Street the residents and businesses near that address met to discuss the ramifications of this project. Our group is called Dunlap Neighbors. Our understanding, based on the documentation submitted to HCB, is that the applicant is proposing to build a 44 unit four story structure that will provide permanent supportive housing for the homeless. It is important to note that as of December 29th, 2021 the applicant and OTR Community Housing has made no attempt to publicly engage the community on the purpose of this proposed facility or on the overall design, density or rear setbacks of this structure. The applicant has not brought this before the OTR Community Council or the Mohawk Neighborhood Community Development Corporation. The lack of communication with the community is frankly appalling.

In addition to ignoring the community, the applicant is proposing to construct a 44 unit structure on a lot that is zoned for 14 units. This is more than three times the zoned density. You would be hard pressed to find another structure in the OTR Historic District that has this level of density on such a relatively small plot of land. This project does not fit in with the overall character or appearance of our historic neighborhood.

We formally request that the applicant engage with the community to solicit feedback and guidance on the density and overall design of this structure before they come before the HCB. The businesses and residents that make up the Dunlap Neighbors urge the HCB to vote against these requests for zoning reliefs at the January 24 hearing. The residents and business owners that have signed this letter are united in their opposition to this project.

Respectfully,
Dunlap Neighbors

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Robert Sehlhorst - OTR Resident

Kristina Lascala - Sehlhorst : OTR Resident

Chris Helmers Cincinnati Electrical Repair

Mike Basch 2009 Elm St

Daniel Bascone 139 West McMicken Ave.

Steven Fink 1908 Dunlap Street #2

BRIAN CONNER - OTR Resident

Chin Bann 2016 ELM ST.

Jeffrey Luggen 2020 Dunlap Street CTN.

Martino Fide, 1908 Dunlap St, 45214

Corey Mayan, 2027 DUNLAP ST. 45214 RESIDENT

Colin Fenn 2031 Dunlap St. 45214

Emm Cummins 2031 Dunlap St. 45214

Ryan Luggen 2020 Dunlap St

Denny Dellinger 228 Mohawk St. 45214

Bryan Veltman 1926 Dunlap St 45214

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

nm (NEIL MARQUANDT)

42 W. McMICKEN AVENUE

1908 Dunlap

y 216 Findlay Street
Lauren Klaw

42 W. McMicken Ave

1908 Dunlap

216 Findlay Street

2017 Elm Street
Fund. Club Rebecca Klabund

Dy Peters 2023 Dunlap St

Joey Luggen 324 Mulberry Street

CAROL ANN SCHULMAN - 225 STARIC ST 45214

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Joseph Fiorelli	<i>Joseph Fiorelli</i>	12/30/21
Liz Meara	<i>Liz Meara</i>	12/30/2021
Nick Caruso	<i>Nick Caruso</i>	12/30/21
Steven Fink	<i>AF</i>	12/31/21
CHRIS THOMSON	<i>Chris Thomson</i>	1/2/22
Zoraida Thomson	<i>Zoraida Thomson</i>	1/2/22
Anna Verdelli	<i>Anna Verdelli</i>	1/2/22


Residents of 1908 DUNLAP.

④

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

Joseph Maas
Northern Row Brewery

John Walter
524 CONROY
KLOTTER/CONROY RESIDENTS ASSOC.


539 W McMillen

5

Dunlap Neighbors Opposed to 2000 Dunlap Street Project

VINCENT HARNETT

[Handwritten signature]

529 KLOTTER AVE, CINCINNATI OH

45214

17 January 2022

Beth Johnson
Urban Conservator
City of Cincinnati
805 Central Avenue | Suite 500
Cincinnati, OH 45202

Beth,

We would like to express our strong opposition to the proposed project at 2000 Dunlap Street.

First, every existing resident and business owner in this neighborhood has gone through a strict process to ensure our proposed developments were a good fit. We followed this process closely at 42 W. McMicken Avenue (our primary residence) and again with our proposed housing at 216 Findlay Street. We played by all the rules – including variance, historic considerations, appropriateness, etc. – and the guidance provided by your team in good faith. Our expectation is that the proposed OTRCH project is held to a similar standard when it comes to considering code variances. This is an ill-conceived project, cramming 44 people into small living quarters with no outdoor space surrounded by at least four bars serving alcoholic beverages, which was proposed just before the holidays without any advanced warning nor engagement with the neighborhood.

Second, in stark contrast to the letters of support (from constituents who live outside the neighborhood), we take issue with OTRCH's property management for a host of reasons. OTRCH manages a row of recently renovated apartments that sit on Clifton Avenue, roughly 50 feet "above" our plot. A few examples of OTRCH's mismanagement include:

- OTRCH repeatedly rejected all accountability for a collection of tree roots, clearly on their property, that were causing significant damage to one of our exterior walls. We spent nearly \$20,000 on legal fees before OTRCH finally accepted responsibility and did the right thing by removing the trees and fixing our wall.
- Residents – including kids – routinely throw objects into our backyard. Recently, a rollerblade was hurled from fifty feet above us, nearly striking Lauren in the head. In the past few months we found iPads, toys, food, and other household items that have been thrown into our backyard. Despite direct communication with the director of OTRCH on several occasions, we continue to see objects thrown into our backyard (sometimes directly at us).
- Two dogs were tied up on the OTRCH property for well over a year. According to the director of OTRCH, pets are not permitted at this property yet they were not removed for over a year. These dogs were left to suffer in freezing temperatures in the winter and extremely hot conditions in summer. Instead of handling their dog's waste responsibly, the owners threw their dogs' fecal matter directly into our backyard. This problem was eventually handled, months after we reached out to OTRCH.

- Trash cans are always strewn about Clifton Street on the back end of our property. There are over a dozen trash cans and OTRCH does nothing to manage the routine maintenance of trash.

So, while we consider the other significant components of this decision (variance and appropriateness) we feel strongly that we should also discuss other factors, too. We find it hard to accept that OTRCH will manage the proposed project on 2000 Dunlap Street any better than they manage their multi-family units on Clifton Street.

We are strongly opposed to this project and look forward to participating in next steps.

Regards,

Neil Marquardt (m = 513.257.5133)

Lauren Klar (m = 859.801.3658)

42 West McMicken Avenue (primary home)

1908 Dunlap Street, 3rd Floor (owners)

216 Findlay Street (owners)

December 2021 COA Staff Reviews and Approvals

NUMBER_KEY	REVIEW_COMPLETED_D/	ORIGINALADDRESS1	COMP_TYPE	DESCRIPTION	ENTRY_COMMENTS
2021P08602	12/10/2021	109 MULBERRY ST	CBPCBCP	Alteration	Staff approval COA. Chimneys are deteriorated and are not architecturally contributing to the building.
2021P09174	12/16/2021	1106 RACE ST	CBPCBCP	Alteration	INTERIOR TENANT FINISH AND GROUND FLOOR WINDOWS AND DOORS APPROVED
2021P09611	12/02/2021	1209 ELM ST	CBPCBCP	Alteration	General restoration of building. Windows on street face are historic and will be rehabbed. Windows on courtyard and ally are permitted to be Pella Lifestyle. These windows are appropriate for non-street facing facade.
2021P10247	12/10/2021	133 W ELDER ST	CBPCBCP	Alteration	COA staff level. Fire escape location and extension are appropriate. 1 window is permitted to be increased due to building code. Width is not being increased, the window is just being lowered
2021P10392	12/27/2021	1505 VINE ST	CBPCBCP	Alteration	exterior wall but not visible from street
2021P09570	12/13/2021	1517 VINE ST	CBPCBCP	Alteration	COA Staff level Review. New storefront. Appropriate design with moveable windows. Transom, bulkhead and storefront windows. Historic storefront frame to remain.
2021P10033	12/02/2021	1701 RACE ST	CBPCBCP	Alteration	COA will be assessed with new work permit. Demolition permit only on this permit. Demoliton mostly interior and selective exterior work. HTC project and work conforms to approved part II.
2021P10034	12/02/2021	1703 RACE ST	CBPCBCP	Alteration	COA will be assessed with new work permit. Demolition permit only on this permit. Demoliton mostly interior and selective exterior work. HTC project and work conforms to approved part II.
2021P10035	12/02/2021	1705 RACE ST	CBPCBCP	Alteration	COA will be assessed with new work permit. Demolition permit only on this permit. Demoliton mostly interior and selective exterior work. HTC project and work conforms to approved part II.
2021P09236	12/10/2021	1745 MADISON RD	CBPCSGN	Signs	Sign is simple and meets all historic guidelines. Zoning still needs to be addressed.
2021P09848	12/07/2021	18 W ELDER ST	CBPCBCP	Alteration	Fire escape extension to top floor per building code requirements.
2021P01539	12/16/2021	1921 ELM ST	CBPCBCP	Alteration	COA Staff level- New windows on the front are permitted. Must be full glass windows. No offset/double hung windows. All other exterior work is repair and maintenance
2021P10235	12/10/2021	1936 RACE ST	CBPCSGN	Signs	COA Staff review. Meets all requirements of guidelines. Nonilluminated 18 inch by 18 inch projecting sign at top of 1st floor.
2021P08759	12/10/2021	205 W 4TH ST	CBPCBCP	Alteration	Historic Staff Approval- All exterior facade work is repair and replacement. only new exterior work is on the roof with enclosures for required elevator and stairtower. These are able to be approved at staff level. These are not visible from the right of way and are placed inconspicuously. HTC project

2021P10340	12/17/2021	2923 FAIRFIELD AV	CBPCBCP	Alteration	COA Staff level- Solar panels on the flat portion of the roof. Will not be visible from the street.
					Staff Approval New historically appropriate storefront New Historically appropriate windows. Repair and restoration of facade
2020P06622	12/15/2021	3112 WARSAW AV	CBPCBCP	Alteration	HTC
					Staff Approval Historic Tax Credit Project, Approval of removal of non-historic features including, doors, and storefront and installation of historically appropriate storefront. New Doors and windows meet historic requirements
2020P06623	12/16/2021	3113 WARSAW AV	CBPCBCP	Alteration	
2021P08843	12/17/2021	431 TUSCULUM AV	CBPCBCP	Alteration	COA Staff level- Solar panels are behind the dormer and will not be highly visible from the street.
					COA for exterior changes including near rear deck and patio area, replacment/reintroduction of dormer windows and appropriate doors on the front. Removal of 1 story entrance shed on rear. New doors on rear for enrance into the space.
2021P09492	12/02/2021	5910 HAMILTON AV	CBPCBCP	Alteration	
2021P08625	12/14/2021	60 E MCMICKEN AV	CBPCBCP	Alteration	COA Staff level- Approve new alum. clad windows on all sides. Quaker Historic are appropriate windows.
					COA Staff level- Approve new storefront windows to replace non-historic windows. Window configuration will be historically appropriate. Approve new alum. clad windows on all sides. Quaker Historic and Sierra Nevada are appropriate windows. Convert side widow to door for ADA accessibility. select side and rear windows bricked in with 1 inch recess.
2021P08624	12/14/2021	60 E MCMICKEN AV	CBPCBCP	Alteration	



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am—4 pm
(513) 352-4848
Urban.Conservator@Cincinnati-OH.gov

Office Use Only

Application #: _____
Date Accepted: _____
☐ Paid: _____

CERTIFICATE OF APPROPRIATENESS APPLICATION Staff Level Review

SUBJECT PROPERTY

Site Address: _____
Hamilton Co. Parcel ID No.: _____ Zoning District: _____
Historic District: _____ Overlay District: _____

PRIMARY CONTACT INFO ☐ PROPERTY OWNER ☐ OTHER _____ (AGENT, ATTORNEY, ARCHITECT, ETC.)

Name: _____
Contact Person (if legal entity): _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail: _____

PROPERTY OWNER INFO ☐ SAME AS ABOVE

Name: _____
Contact Person (if legal entity): _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail: _____

CERTIFICATE OF APPROPRIATENESS (SELECT ALL THAT APPLY)

☐ Alteration ☐ Fence ☐ Windows

Provide a very brief summary of the project:

SUBMISSION REQUIREMENTS & REQUIRED ATTACHMENTS

**All persons seeking historic tax credits must provide a copy of their approved part II tax credit application.
Provide all specifications, plans and or elevations associated with your request**

The owner or agent of this building and undersigned does hereby certify that the information and statements given on the application, drawings, and inspections are to the best of their knowledge true and correct. The undersigned further certifies their authorization to grant consent to the inspection by employees of the City of Cincinnati of the described premises at any time when work on those premises is ongoing and hereby grants their consent.

Applicant Signature: _____ Date: _____

Demolition and/or Economic Hardship Case Sheet

Documentation for the Demolition and/or an Economic Hardship Claim of Historic Properties

Historic Conservation Office

Applicants requesting a Demolition and/or Economic Hardship must provide the following information. If you have a demolition, first refer to Section 1. If you are claiming and Economic Hardship for a demolition or alteration, go straight to Section 2. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval. All answers must be in written form in a separate document. Answers filled in on this form will not be accepted.

Section 1:

A property owner who wishes to demolish a local landmark or a building located in a local historic district must demonstrate to the Historic Conservation Board that they meet one of the following conditions.

1. Emergency Demolition
 - a. Must have a letter from the Director of Buildings and Inspections declaring it a Emergency Demolition in accordance with section 1435-09-5 of the City of Cincinnati Zoning Code.
2. Demolition of a Non-Contributing building or addition
 - a. Must be listed in the applicable guidelines as non-contributing or if not listed as non-contributing, must provide justification why the building should be considered non-contributing; and
 - b. The demolition will not adversely affect the streetscape.
3. The Demolition is for inappropriate addition or a non-significant portion of a building.
 - a. The demolition does not adversely affect significant parts of the building; and
 - b. The addition or non-significant portion highly is not highly visible from the street; or
 - c. The demolition will not adversely affect the streetscape.
4. The Demolition is due to an Economic Hardship. *If claiming Economic Hardship the applicant must answer all questions in Section 2.*
5. The demolition may be permitted through other conditions set forth in the applicable guidelines for the property.

Section 2:

A property owner who wishes to demolish or proposes work that is not substantially compatible with the Historic Conservation must demonstrate to the Historic Conservation Board that there is no feasible and prudent alternative that would conform to the conservation guidelines and the applicant must also show that the strict application of the guidelines would deny the owner a reasonable rate of return on the real property and would amount to an economic hardship.

When an applicant claims that the strict application of the conservation guidelines would amount to an economic hardship, the applicant must submit answers to the following questions, in written form in a separate document, to the Urban Conservator.

1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
2. Annual gross (pre-tax minus maintenance and other costs) income from the property for the previous three (3) years;

3. Itemized operating and maintenance expenses for the previous three (3) years;
4. An itemized statement of the annual costs of all insurance on the property;
5. The value of significant interior and exterior improvements made after purchase;
6. Real estate taxes for the previous three (3) years;
7. Remaining balance on the mortgage of other financing secured by the property and annual debt service, if any, for the previous three (3) years;
8. The assessed value of the land and improvements thereon according to the three (3) most recent assessments;
9. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
10. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
11. Any state or federal income tax returns relating to the property for the last two years.
12. Any listing of the property for sale or rent, price asked and offers received if any;
13. Any real estate broker or firm engaged to sell or lease the property;
14. Proof of reasonableness of price or rent sought by the applicant;
15. Any advertisements placed for the sale or rent of the property;
16. The condition of the property when purchased;
17. All available reports, if any, on the structural condition of the property.
18. Any consideration by the owner as to profitable adaptive uses for the property;
19. Whether or not the property was occupied when purchased, and any income from the property at the time it was purchased immediately or prior thereto.
20. Annual cash flow, if any, for the previous two (2) years.
21. For vacant, semi-vacant and under-utilized buildings, or buildings in need of rehabilitation, owner is required to submit a statement of estimated market value and potential return on investment based on existing or all potential legal new uses, including cost estimates of rehabilitation, and supplementary new construction. The applicants must use fair market value for the property, a "reasonable" rate of return on investment, and prevailing rehabilitation and rental rates in the area (including floor area per floor and total).
22. Consideration if partial use of the building would be able to gain a reasonable economic return on the building.
23. Consideration of economic incentives and/or funding available through the federal, state, city or private programs on the pro-formas for rehabilitation that would affect the potential return on investment the property.
24. Estimated market value and/or income from the property after the demolition of the structure or structures.
25. Statement from the owner of knowledge of landmark designation or potential designation at the time of acquisition.
26. Credentials of all professionals providing evidence including but not limited to structural engineering report, market values, rental rates, appraisals, construction cost estimates, and pro-formas.

FOR OFFICE USE ONLY

File No. _____
Date Filed _____
Fee Paid _____
Date Received _____
Decision _____



II Centennial Plaza
Planning Department
805 Central Ave, Suite 700
Cincinnati, OH 45202
513-352-4848

APPLICATION FOR LOCAL HISTORIC DESIGNATION/ HISTORIC ZONE CHANGE

1. SUBJECT PROPERTY/(ies) ☐ Landmark ☐ Site ☐ District
ADDRESS _____
PARCEL ID(S) _____
AREA CONTAINED IN PROPERTY (EXCLUDING STREETS) _____
NAME OF HISTORIC DESIGNATION _____

2. APPLICANT
NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ TELEPHONE _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
☐ Owner ☐ City Council Member ☐ City Manager ☐ Urban Conservator
☐ Planning Commission ☐ Community Organization ☐ Owner of Property within District

3. OWNER(S) (If multiple properties, please provide an excel sheet with information)
NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ TELEPHONE _____
EMAIL _____

4. HISTORIC CRITERIA (Select all that apply)
☐ Association with events that have made a significant contribution to the broad patterns of our history; or
☐ Association with the lives or persons significant in our past; or
☐ Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or
☐ That has yielded, or may be likely to yield, information important in prehistory or history.

5. SUMMARY OF REASONS WHY THE REQUEST SHOULD BE GRANTED. It is your responsibility to provide the Urban Conservator supporting documentation in the form of a "Designation Report" to facilitate the creation of a staff report under chapter 1435-07, "Preserving a Structure." Please be advised that this application will be reviewed by the Historic Conservation Board, Planning Commission and Council. The filing fee for the review is \$1,500 and due at the time the application is submitted.

6. SIGNATURE. The undersigned does hereby certify that the information provided in connection with this application is, to the best of his or her knowledge, true and correct.
Print Name _____ Signature _____ Date ____/____/____

LOCAL HISTORIC DESIGNATION/HISTORIC ZONING CHANGE PROCESS

Purpose:

This is an abstract of rules and regulations concerning Historic Designation and its related Zone Change in the City of Cincinnati. It has been created as a means of simplifying the explanation of the process and is not the officially adopted rules of the City Council, City Planning Commission or City Historic Conservation Board. The officially adopted regulations are contained in the City Charter, the Cincinnati Municipal Code, and the City Planning Commission and Historic Conservation Rules and Procedures.

Historic Designation Definition and Criteria:

Historic Designation is a zoning overlay which is added to the base zoning of a specific parcel(s) of land. Historic Designation can be a

- **Landmark:** a Historic Structure or Historic Structures located on a single parcel or contiguous parcels.
- **Site:** real property on which a Historic Structure is located or on which there is no structure but that is itself of Historic Significance.
- **District:** an identifiable area comprised of two or more parcels and containing two or more Historic Assets typical of one or more eras in the city's history, or representing an assemblage of structures important to the city's history.

To designate a property or properties a City Historic Landmark, Site or District, a property must meet one or more of the local historic criteria (see criteria below).

- 1.) Association with events that have made a significant contribution to the broad patterns of our history; or
- 2.) Association with the lives of persons significant in our past; or
- 3.) Embodies the distinctive characteristics of a type, period, method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- 4.) That has yielded, or may be likely to yield, information important in prehistory or history.

Initiation of a Historic Designation:

An Application for a Historic Designation and its related Zone Change may be filed by

- the owner of the subject property or by the owner of a property within the area proposed to be designated,
- City Council or a member of Council,
- the City Manager,
- the Urban Conservator,
- the City Planning Commission,
- a local community organization, including, but not limited to, preservation associations and community councils.

It is strongly advised that an applicant should consult with the Urban Conservator and the Department of City Planning prior to the initiation to make sure that the application is complete, and the applicant is aware of a proposed schedule for adoption. You can set an appointment with the Urban Conservator by calling 513-352-4848 or emailing beth.johnson@cincinnati-oh.gov. The Urban Conservator will arrange a meeting with the applicant, the Historic Conservation Office and the Cincinnati Department of City Planning and Engagement.

Application Requirements:

Please submit 2 hard copies and an editable digital (preferably word and other formats as approved by staff) copy of the application with the following materials to the Cincinnati Department of City Planning, 805 Central Avenue, Suite 700.

- 1) Zone Change Application filing fee of \$1500 paid to the City of Cincinnati
- 2) Historic Designation Report (Please Refer to Historic Designation Report Guidelines)
- 3) Plat – One hard copy and one digital copy of a plat reproduced from an original drawing (no auditor plats accepted at any scale), not to exceed 30 x 30 inches, at a scale of at least one inch equals on hundred feet (1:100), showing:
 - a. Street right-of-way lines
 - b. Existing zone line
 - c. The last name of the owner of each property including those surrounding the subject property
 - d. The dimensions of the property being petitioned
 - e. Area of proposed rezoning shall be shaded in or crosshatched and the zone change stated in the legend.
 - f. Scale (1:100, 1:50, 1:20)
 - g. North arrow
- 4) Historic Conservation Guidelines with the following sections (as applicable)
 - a. Cover page
 - b. Boundary map of contributing and non-contributing with an address list of non-contributing structures.
 - c. General Guidelines
 - d. Rehabilitation and Alteration
 - e. Additions
 - f. New Construction
 - g. Site Improvements and Alterations
 - h. Non-Contributing Buildings
 - i. Demolition
- 5) **Additional Requirements for Districts**
 - a) Pre-application meeting with Urban Conservation Staff to review proposed district application, designation report and guidelines
 - b) Affidavit stating that a community meeting with the Community Council, Urban Conservator, City Planning and Engagement Staff, and applicant to review what Historic Designation/District means, Historic Designation Process, and the proposed Guidelines was

held prior to the submittal of the application. The location, date, time and any promotional materials are to be included.

- a. The applicant will work with Urban Conservation Staff to set up this meeting.
- c) Map with resources numbered and address listed
- d) A Picture labeled of each resource in the district and minimum 1 streetscape pictures of each street block. Photos must have the following specifications
 - 1) Digital Format
 - 2) RGB color digital TIFFs are preferred, but JPEGs are acceptable.
 - 3) Image resolution - two megapixels (1200 x 1600 pixel image) at 300 dpi or higher.
 - 4) Name electronic files using the following format:
streetname.streetdir.addressnumber.image# (e.g. windsor.e.2211.1, windsor.e.2211.2)
 - 5) Burn images to a CD-R or DVD-R
 - 6) Label the disk(s) using CD/DVD safe markers (e.g. Sharpies) per the following –Name of District. Cincinnati, Ohio, date.
- e) A Resource Inventory Sheet labeling each resource with a number to match the map and pictures, address number, street name, architectural style, date built, contributing/non-contributing, owners name, owners address, historic use, current use. The City will provide an excel sheet template.
- f) Optional but highly recommended- a petition of the property owners and their addresses within the proposed boundaries of the district in support of the district. The City will provide a template to use.

Process Steps:

After the request is filed:

Preliminary Step: All applicants proposing a designation for an individual Landmark or Site are encouraged to discuss the proposed designation with the officially recognized Community Council for the neighborhood in which the designation is requested. A meeting with the recognized Community Council for all districts is required prior to application. Most Community Councils will request a formal presentation and conduct a vote at a meeting of the full Community Council. This is recommended to occur prior to the recommendation to Historic Conservation Board and City Planning Commission and is highly recommended for designation of Historic Districts. A delay in this activity can cause delays further in the process. *(Time varies depending on applicant/Community Council)*

Once an application is received, the City Planning and Engagement Staff will post the Historic Designation Report and Proposed Guidelines on the website for viewing. These will be posted on [City Planning and Engagement – Planning Projects & Studies](#).

Step 1: Staff Conference (Approximately 2 – 4 weeks from application deadlines)

The staff of the Historic Conservation Office and Department of City Planning and Engagement will schedule a Staff Conference to discuss the designation and related zone change and gather information. City Planning and Engagement Staff will notify the applicant, the agent, all property owners within 400 feet of the proposed designation and zone change, and the local community organization. Interested parties will be invited to attend the Staff Conference or send written statements concerning the proposed change. Notices must be mailed at least 14 days prior to the Staff Conference.

Step 2: Historic Conservation Board (*Approximately 6 weeks from application deadline*)

A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the Historic Conservation Board. Notice of the Historic Conservation Board Meeting is sent to the applicant, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The Historic Conservation Board votes to either approve or disapprove the proposed designation and related zone change.

Step 3: City Planning Commission (*Approximately 8-10 weeks from application deadline*)

A written staff report including the summary, statements, staff analysis, and a recommendation is presented to the City Planning Commission. Notice of the Planning Commission meeting is sent to the applicant, the agent, all property owners within 400 feet of the proposed change, and the local community organization, as well as all parties who participated in the Staff Conference in person, by phone, email, or in writing. Those persons are given an opportunity to speak to the subject after the staff presentation is made. The City Planning Commission votes to either approve or disapprove the proposed designation and related zoning change.

Step 4: City Council (*Approximately 12 – 16 weeks from application deadline*)

City Planning and Engagement staff requests an Ordinance from the Solicitor's Office. (*Ordinance preparation can take 2 – 4 weeks*). Planning staff transmits Historic Conservation Board and City Planning Commission's recommendation along with the Ordinance to City Council and asks for the Clerk of Council to schedule a Public Hearing. The Public Hearing must be scheduled at least 14 days from the date of the first day of publication in the City Bulletin. (*Transmittal and schedule of public hearing can take 2 - 4 weeks*).

The Economic Growth and Zoning Committee of City Council will hold a public hearing on the proposed change. The same persons notified for the Staff Conference and Commission meeting will be notified by the Clerk of Council for the Council hearing. The Economic Growth and Zoning Committee will vote and make a recommendation to City Council. This may occur at the public hearing, or if desired by the Chair of the Neighborhoods Committee, at a later meeting. (*Recommendation can take up to two weeks if the item is held until a later calendar date.*)

City Council will make the final decision on all Historic Designations. (If the City Planning Commission fails to approve a Historic Designation and its related zone change, City Council must have at least a two-thirds vote (6) of all members to overrule such failure to approve and adopt the proposed Designation and zone change).

The Historic Designation and related zone change goes into effect 30 days after the approval of the Ordinance by City Council. The zoning map is not changed until that time, and no permits can be acted upon for construction or uses that require the new zoning designation. An Ordinance that is approved as an Emergency Ordinance goes into effect immediately.

HISTORIC DESIGNATION REPORT GUIDELINES- LANDMARKS AND SITES

Historic Designation Report for Landmark and Sites must have the following sections in the order prescribed below.

- a. Cover page, including Landmark or Site name, date of the report and who prepared the report
- b. Index Page
- c. Summary Statement
- d. Boundary Description (including metes and bounds)
- e. Map showing designation boundaries and identifying contributing and non-contributing buildings/structures
- f. Justification of boundary Description of the Landmark or Site.
- g. Statement of Significance based on the criteria set forth in CZC 1435-07-1
 - i. Description and documentation on how the district meets the criteria
 - ii. Statement on integrity of the district through the aspects or qualities of location, design, setting, materials, workmanship, feeling, and association.
- h. Landmark or Site Historic and Architectural Overview
 - i. Period of Significance and History of the Landmark or Site: Describe the period(s) of historical significance in which the historic events associated with a proposed Landmark or Site occurred.
 - ii. Architectural/Archeological Description and periods of construction.
- i. Findings
 - i. Planning Considerations- Compatibility with Comprehensive Plan
 - ii. Consistency with CZC Chapter 1435
- j. Research Methodology
- k. References
- l. Pictures labeled with the date and subject.
 - i. For Landmarks: photos of each façade of the building, architecturally significant details, and interiors if the interior will be subject to review.
 - ii. For Sites: photos of the entire site including any important historic, architectural or archeological resources.

***** For more specific guidance on writing Summary Statements, Statements of Significance and Historic and architectural overviews please refer to the National Register Bulletin: How to Complete the National Register Registration Form, Part III, Sections 7 and 8.

https://www.nps.gov/nr/publications/bulletins/nrb16a/nrb16a_III.htm#description

HISTORIC DESIGNATION REPORT GUIDELINES- DISTRICTS

Historic Designation Report for Districts Sites must have the following sections in the order prescribed below.

- a. Cover page District name, date of the report and who prepared the report
- b. Index Page
- c. Summary Statement
- d. Boundary Description (including metes and bounds)
- e. Map showing designation boundaries and identifying contributing and non-contributing buildings by number to correspond with Historic Resource Inventory form.
- f. Historic Resource Inventory form table
- g. Justification of boundary
- h. Statement of Significance based on the criteria set forth in CZC 1435-07-1
 - i. Description and documentation on how the district meets the criteria
 - ii. Statement on integrity of the district through the aspects or qualities of location, design, setting, materials, workmanship, feeling, and association.
- i. District Historic and Architectural Overview
 - i. Period of Significance and History of District: Describe the period(s) of historical significance in the development of the district. Begin with the earliest development within the district and describe the periods of greatest construction activity, or significant historical events. For a building to be contributing it must be built within the period of significance.
 - ii. Properties within the District: Describe the number of resources and their contributing nature.
 - iii. Principal Architectural Styles and Periods of Construction: Describe the architectural styles that characterize the contributing buildings in the district, and the periods of construction of those styles within the district. Note the location of particularly good examples of each style.
- j. Findings
 - i. Planning Considerations- Compatibility with Comprehensive Plan
 - ii. Consistency with CZC Chapter 1435
- k. Research Methodology
- l. References
- m. Pictures labeled with subject and date. Not every property is required to be in the designation report but provide examples of buildings, resources and streetscapes that are representative of the District.

***** For more specific guidance on writing Summary Statements, Statements of Significance and Historic and architectural overviews please refer to the National Register Bulletin: How to Complete the National Register Registration Form, Part III, Sections 7 and 8.

https://www.nps.gov/nr/publications/bulletins/nrb16a/nrb16a_III.htm#description

Historic Conservation Board

Hearing Application



II Centennial Plaza
805 Central Avenue, Suite 500
Cincinnati, Ohio 45202
Monday- Friday 7:30 am- 4 pm
513-352-1559

Section 1. SUBJECT PROPERTY

ADDRESS _____ COMMUNITY _____
PARCEL ID(S) _____ HILLSIDE DISTRICT: ☐ Yes ☐ No
BASE ZONING CLASSIFICATION _____ ZONING OVERLAY (if applicable) _____
HISTORIC DISTRICT: _____
☐ Non-Residential Project ☐ Residential Project (RCO) One -, Two -, and Three- Family Dwelling

Section 2. APPLICANT

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 3. OWNER

NAME _____ CONTACT PERSON (if legal entity) _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
EMAIL _____ RELATIONSHIP TO OWNER (if not owner) _____
TELEPHONE _____

Section 4. NATURE OF CERTIFICATE OF APPROPRIATENESS REQUESTED

- ☐ A certificate of appropriateness is NOT being requested. Proceed to Section 5, or select all that apply
- ☐ New Construction ☐ Alteration ☐ Demolition

BRIEF DESCRIPTION OF PROJECT (Do not write "see attached" or leave blank.)

Section 5. NATURE OF ZONING RELIEF REQUESTED

- ☐ Zoning relief is NOT being requested, or select all that apply:
- ☐ Variance ☐ Special Exception ☐ Conditional Use ☐ Use Variance
☐ Expansion or Substitution of Non Conforming Use ☐ Hillside Overlay District Permission
☐ Urban Design Overlay District Permission ☐ DD District Phased Development Approval

BRIEF DESCRIPTION OF ZONING RELIEF REQUESTED (Do not write "see attached" or leave blank.)

Section 6. SIGNATURE.

I certify that all statements and documents that I provide with reference to this application are accurate, complete, and true to the best of my knowledge and belief. I further acknowledge that my application shall be deemed incomplete for my failure to timely comply with any requirement of this application, which non-compliance may result in delays in the scheduling and resolution of my application.

Print Name _____ Signature _____ Date ____/____/____

Section 7. DOCUMENTATION SUBMISSION REQUIREMENTS.

An application will not be deemed complete until all required documents listed below have been submitted and the application fee is paid in full. All transactions must be completed by 4:00pm. No exceptions.

<input type="checkbox"/>	Submit two (2) paper copies collated, single sided and bound together of all the documents listed below, AND one (1) digital copy in PDF format of all the documents listed below.
<input type="checkbox"/>	Historic Conservation Board hearing application; pages 1-2 only. The instructions pages should not be included in your submission.
<input type="checkbox"/>	Adjudication Letter AND worksheet issued by the Department of City Planning & Engagement – Urban Conservator’s Office. Provide all documents requested on the worksheet.
<input type="checkbox"/>	A written statement explaining how the proposed project meets the applicable Historic Conservation Guidelines and, if requested, Zoning relief. Separate instructions for preparing this statement are attached. If you fail to follow the instructions for your type of request(s), your application may be denied.
<input type="checkbox"/>	Applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.
<input type="checkbox"/>	All documents (forms, letters, etc.) must be formatted to 8.5x11. Font no smaller than size 11. Plans or drawings may be formatted to 11x17 or 12x18, but no larger sizes will be accepted.
<input type="checkbox"/>	Accurate drawings, plans or surveys (including a graphic scale) of existing and proposed project showing parcel lines, boundaries, dimensions, areas, topography, and frontage of the property involved, as well as the location and dimensions of all primary and accessory structures from the nearest property lines. Provide all parcels and structures adjacent to the site. When landscaping is required by the zoning code, a landscaping plan must be provided.
<input type="checkbox"/>	Detailed information (such as drawings, elevations with measurements, specifications) fully depicting the exterior and/or interior appearance of the existing and proposed project, including parking and access, exterior lighting, landscaping, signs, roof and floor plans involved in the application. Provide labeled photographs of existing conditions of all sides/directions of the structure/property.
<input type="checkbox"/>	The Hamilton County Auditor’s record showing ownership of the property. If the Hamilton County Auditor’s official records do not list the applicant or owner as the owner of the property, please provide a lease, contract to purchase, or other agreement demonstrating the applicant or owner’s legal basis to seek the relief requested.
<input type="checkbox"/>	A list of witnesses, expert witnesses, or legal counsel who you expect to testify at the hearing on this application. Please provide names and email addresses.
<input type="checkbox"/>	Other documents or information you intend to introduce at the hearing on this application.
<input type="checkbox"/>	A non-refundable application fee - a check made payable to “City of Cincinnati.”

To help avoid delays, it is strongly suggested that you present your application to neighboring property owners and any interested neighborhood community groups prior to the hearing on your application. This will give you a prior opportunity to address your neighbors’ concerns or objections and can facilitate the approval of your application.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A CERTIFICATE OF APPROPRIATENESS

Applicants requesting a Certificate of Appropriateness must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1435-09-2 AND local Historic Conservation Guidelines. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by the application, applicants must provide a written statement explaining how their proposed project meets the applicable Historic Conservation Guidelines.

1435-09-2. The Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:

(a) That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines;

Or

(b) That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.

In determining whether the property owner has demonstrated an economic hardship for purposes of (b) above, the Historic Conservation Board shall consider all of the following factors:

(i) Will all economically viable use of the property be deprived without approval of a Certificate of Appropriateness;

(ii) Will the reasonable investment-backed expectations of the property owner be maintained without approval of a Certificate of Appropriateness;

and (iii) Whether the economic hardship was created or exacerbated by the property owner.

In evaluating the above factors for economic hardship, the Historic Conservation Board may consider any or all of the following:

(aa) A property's current level of economic return; (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents; (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return; (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

Additionally, the City of Cincinnati Department of Planning and Engagement's website offers links to **local Historic Conservation Guidelines**. The website is <https://www.cincinnati-oh.gov/planning/historic-conservation/local-conservation-guidelines/>.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE, SPECIAL EXCEPTION OR CONDITIONAL USE (Part 1 of 2)

As required by the application, applicants must provide a written statement explaining how their proposed project meets the standards in 1435-05-4.

Whenever an application is made for a variance, special exception or conditional use relating to property wholly or partially located within a Historic District or involving a Historic Asset, the Historic Conservation Board exercises the authority granted to the Zoning Hearing Examiner in Chapter 1445 of the Cincinnati Zoning Code. In such cases, the provisions of Chapter 1445, where not inconsistent with the provisions of this chapter, apply to the exercise of the authority prescribed therein.

The Historic Conservation Board may grant such conditional use or special exception or variance from the regulations when it finds such relief from the literal implication of the Zoning Code will not be materially detrimental to the public health, safety, and welfare or injurious to property in the district or vicinity where the property is located and either:

1. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the Historic District or Historic Asset;

OR

2. Is necessary where the denial thereof would result in a deprivation of all economically viable use of the property as viewed in its entirety. In making such determination, the Historic Conservation Board may consider the factors set forth in Section 1435-09-2(aa)—(ff) .
 - (aa) A property's current level of economic return;
 - (bb) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents;
 - (cc) The feasibility of alternative uses for the property that could earn a reasonable economic return;
 - (dd) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property;
 - (ee) Knowledge of landmark designation or potential designation at time of acquisition; and/or
 - (ff) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A VARIANCE (Part 2 of 2)

Applicants requesting a variance must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-15. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-15, an applicant must show:
 - a. neither the owner nor any of its predecessors caused the nonconformity requiring a variance; **and**
 - b. how the project meets either of the following conditions:
 - i. special circumstances or conditions pertaining to the subject property cause the strict application of the zoning code to be unreasonable and would result in practical difficulties; **or**
 - ii. a variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE VARIANCE

Applicants requesting a use variance must demonstrate through “CLEAR AND CONVINCING EVIDENCE” in the form of credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-16. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a use variance:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-16, an applicant must show that the applicant will suffer unnecessary hardship if strict compliance with the terms of the Code is required. An applicant can show this by providing clear and convincing evidence demonstrating all of the following criteria are met:
 - a. the property cannot be put to any economically viable use under any of the permitted uses in the zoning district;
 - b. the variance requested stems from a condition that is unique to the property at issue and not ordinarily found in the same zone or district;
 - c. the hardship condition is not created by actions of the applicant;
 - d. the granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - e. the granting of the variance will not adversely affect the community character, public health, safety or general welfare;
 - f. the variance will be consistent with the general spirit and intent of the zoning code; and
 - g. The variance sought is the minimum that will afford relief to the applicant.

INSTRUCTIONS FOR APPLICATIONS REQUESTING A SPECIAL EXCEPTION (Part 2 of 2)

Applicants requesting a special exception must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-19. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a special exception:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-19, an applicant must demonstrate all of the following:
 - a. the zoning code allows for a special exception in the district in which the property is located;
 - b. the proposed project meets any special standards for the specific special exception requested;
and
 - c. the proposed project will meet all of the following standards:
 - i. be consistent with the purposes of the zoning code and the district where the use is located.
 - ii. not substantially diminish or impair the value of property within the neighborhood in which it is located.
 - iii. not have an adverse effect on the character of the area or the public health, safety and general welfare, and be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accord with applicable district regulations.
 - iv. comply with all other standards imposed on it by this zoning code.

INSTRUCTIONS FOR APPLICATIONS REQUESTING AN EXPANSION OR SUBSTITUTION OF A NONCONFORMING USE

Applicants requesting an expansion or substitution of a nonconforming use must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1447-17. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for an expansion or substitution of a nonconforming use:

1. To meet the standard outlined in Cincinnati Municipal Code 1447-17, an applicant must demonstrate how the proposed project relates to one or more of the following standards:
 - a. consistency with the general purposes and intent of the zoning code;
 - b. promotion of the safe and efficient use of land;
 - c. compatibility with other adjacent land uses and buildings existing in the surrounding area;
 - d. consistency with the purposes of the zoning district in which the use is located and does not negatively impact the value of surrounding property; or
 - e. location in a building that is specially equipped or structurally designed for that use.

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN A HILLSIDE OVERLAY DISTRICT

Applicants requesting development permission in a Hillside Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1433-19 AND Cincinnati Municipal Code 1433-23. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in a Hillside Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1433-19, an applicant must demonstrate how the proposed project complies with all base development requirements for a Hillside Overlay District. The list of base development requirements is found in Cincinnati Municipal Code 1433-19.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1433-23, an applicant must demonstrate the proposed project is in harmony with adjacent buildings and the hillside environment. A list of standards considered by the Zoning Hearing Examiner to determine whether the proposed project the proposed project is in harmony with adjacent buildings and the hillside environment is found in Cincinnati Municipal Code 1433-23.

*****Please note that applications requesting development permission in a Hillside Overlay District must meet the additional requirements found in Cincinnati Municipal Code 1433-15. Please ensure your application meets these requirements.**

INSTRUCTIONS FOR APPLICATIONS REQUESTING DEVELOPMENT PERMISSION IN AN URBAN DESIGN OVERLAY DISTRICT

Applicants requesting development permission in an Urban Design Overlay District must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1437-09. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for development permission in an Urban Design Overlay District:

1. To meet the standard outlined in Cincinnati Municipal Code 1437-09, an applicant must demonstrate how the proposed project complies with the standards found in Cincinnati Municipal Code 1437-09 that apply to the particular district in which the proposed project will be located.

INSTRUCTIONS FOR APPLICATIONS REQUESTING APPROVAL FOR A DD DISTRICT PHASED DEVELOPMENT

Applicants requesting approval for a DD District Phased Development must provide all information required by Cincinnati Municipal Code 1411-45.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for approval of a DD District Phased Development:

1. For projects that intend to phase development by first erecting a building and then enlarging that building or erecting one or more additional buildings or both, the applicant must:
 - a. provide a site master plan to the Board. The site master plan must be a schematic of the intended development of the entire site showing the locations, uses, heights and gross floor areas of every building. The master plan must contain such other information as necessary to determine whether the intended development conforms to the requirements of this zoning code. The master plan may be amended from time to time, provided any amended master plan be filed with the Zoning Hearing Examiner; and
 - a. comply with all other applicable requirements set forth in Cincinnati Municipal Code 1411-45.

INSTRUCTIONS FOR APPLICATIONS REQUESTING CONDITIONAL USE APPROVAL (Part 2 of 2)

Applicants requesting approval a conditional use approval must demonstrate through credible testimony, documentary evidence or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applications that are not supported by testimony, documentary evidence or written statements are subject to disapproval.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards for a conditional use approval:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations;
and
 - c. the project’s location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

INSTRUCTIONS FOR APPLICATIONS REQUESTING A USE PERMIT

Applicants requesting approval Use Permit must demonstrate through credible testimony, documentary evidence, or written statements how their proposed project meets the standards outlined in Cincinnati Municipal Code 1445-13 AND Cincinnati Municipal Code 1445-05 and 1445-21. Applicants that are not supported by testimony, documentary evidence, or written statements may be denied.

As required by Section 6 of the Application, applicants must provide a written statement explaining how their proposed project meets the following standards a Use Permit:

1. To meet the standard outlined in Cincinnati Municipal Code 1445-13, an applicant must show that the proposed project “is in the public interest.” A list of factors considered by the Board to determine whether the proposed project “is in the public interest” is found in Cincinnati Municipal Code 1445-13.

AND

2. To meet the standard outlined in Cincinnati Municipal Code 1445-05 and 1445-21, an applicant must show:
 - a. the Use Permit is specifically listed in the applicable transect zone use table;
 - b. the project meets any limitations specifically listed in the applicable transect zone regulations; **and**
 - c. the project’s location, design, configuration, and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood